~~B Collection~~

App. F. IX-4

28 837.

Previous Referenees 1938. (Legis.)

File No. 28837

Serial Nos. 1.

Letter References

PRESERVED

74

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. are only.

Part B for April, 1939.

SUBJECT.

Bill for the regulation of Public Parks in Mysore.

WD 0296—GPB—22,500—18-8-37

Mirza Nazeer Hussain 29/4/39.

3529/37

2948

General and Revenue Secretariat

File No. ~~C. C. 84~~ 28/37 of 193 7.

[App. F. III—2

Serial No.

1

Letter no. 1666 dated 1st Dec: 1937 from the Supdt. G.C. forwarding for approval a set of rules governing admission into the Lockup, etc: and requesting that the Sr. Magistrate be authorised to notify the rules and prescribe penalties for the non-observance of the rules.

1) Subject for general Protection Branch may perhaps be consulted if it is necessary for the Sr. Magistrate to notify the rules.

18/XII. 8.12.37 Ch. Secy) 2 Yrs WLB 9/12

9.12.37

Under Secy (protection Br) 10/12

2) In order to enforce the rules they will have to be notified by the Dt. Magt under S. 36 (1) z (zz) of the Police Regn as otherwise disobedience by any member of the public cannot be punished and the rules will have

CHIEF SECRETARY 9. DEC. 1937 GOVT. OF MYSORE.

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—18-8-37

V
v

3519
P

File No. of 193 General and Revenue Secretariat

no effect. This does not seem to be any other provision of law under which action can be taken.

Subd. for orders.

SG
19/12

All the rules must be by the Supt. Port Cards cannot be issued by the D.M. magte. The latter can issue orders under S. 36 (b) & (m) of the Police Regn limiting the use of any supply of water to certain purposes and providing against pollution of the same. Similarly orders may be issued regulating the hours & the manner in which any place of public resort may be used. So the D.M. may issue such orders as he deems

Rules re 35(19) Ent of Gardens. 3

Serial No.

of the Lal Bag tank & the time & manner of use of the garden

5 (a) The rules made by the Supt Govt of Gardens under ss 1, 5, 10, 14 & 15 may perhaps be covered by s 36 (1) (r) & (rr) of the Police Regn The other rules will have to be published by the Supt himself for public information. The Supt has no power to impose fines for the infringement of the rules as there is no statutory authority for that.

6 Any infringement of any order is now by the D. M. will be punishable under s. 61 of the Police Regn

Secy for orders.

Secy 17/12 I agree with the above views Lalbagh Gardens Supt cannot have power to impose a fine as contemplated in rule 21. As he is

NOTE—Contn. Sheet.

WD 0284—GPB—80,000—13-9-37

2948

File No. 84 of 1937 | General and Revenue Secretariat

is not an officer serving his powers under any enactment.

8 Rules 1, 5, 10, 14, 15, 17, 18 & 19 only may be issued by the D.M. under Sec 36 of C. M. & 7 the Mysore police Regn. The rest may be published by the Dept & the Gardens Chief Secy

Chief Secy

Please discuss with me. 17.12

MMS 21/12

CHIEF SECRETARY * 20 DEC 193 * GOVT OF MYSORE.

9 How the botanical gardens & parks in British India are controlled may be ascertained from the Dept & the Lal Bagh Gardens. Are there similar rules & if so under what law such rules are issued & by whom?

Dept Bty 18 19.

10 Draft. pntd.

18.29-1-38 11 Issued

D 5244 dt 25-1-38

N report & ltr.

Enquires how the botanical gardens and other parks in British India are Controlled whether there are similar rules in force there and if so under what law and by whom such rules are issued.

for MS 25/1/38

CHIEF SECRETARY * GOVT OF MYSORE. DEVELOPMENT

Lyps 28-37-1.
4676/p837

2948
4099

General and Revenue Secretariat — Lyps File No. ~~28~~ 28 of 1937. — [App. F. III—2

Serial No.

3 Letter no. 22849 28.1.38 from the Deputy C.S. forwarding copy of the Bengal Public Parks Act 19 of which deals with the protection of parks and grounds.

12 Submitted with reference to para 9

18.7.2.38.

Under Secy (Pub. Br.)

18/2/38

13 The Bengal public parks Act is put up. I think it would be a great advantage if an act similar to this is passed here to control the public parks in this State otherwise the D.M. has to issue separate as mentioned in paras 7 & 8 by me above

14 Chief Secy) May Act contains provisions framed by the Deputy Solicitor Govt for controlling the trustees from preventing pollution of water etc.

Dy Chief Secy)

11.2

15 The rules have to be issued by an Authority after enforce them. If the D.M. has to issue them under what powers could he do this? What is the Statutory basis? Can it be done under the Police Act?

MS
15/2

15.2

LIBRARY 11 FEB 1938 GOVT. OF MYSORE

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—18-9-37

6

4670

Rules in Govt gardens.

File No. of 193 | General and Revenue Secretariat

DEWAN'S OFFICE
1938
5884

16 The rules may be issued by the Dt. magte under S. 36 Clauses (k) & (m) of the Police Act, 1908 & whoever is found contravening any such rule is punishable under S. 61 of the said Act.

See 16/2/38. 17 No 4 have already mentioned that Rules 1, 5. 10. 14. 17 & 18 may be brought under Secs 36 Cl (. m & 61 & cases by the D M under the police Act. The violation of these rules is punishable under Sec 61 of the said Act. But this will not solve the difficulties here by the Supt of the Lalbagh gardens. If the other rules mentioned by him are violated there is no remedy as he has not executive powers vested under a Statute to safeguard the Lalbagh & other gardens. Legislation as in the case of Bangal parks Act may be undertaken

Chief Secy)

CHIEF SECRETARY'S OFFICE
FEB 22 1938
No.

18 The best course seems to be to introduce legislation for controlling public parks and regulating the use of places of public resort. If asked, this may be undertaken.

1st member & Dewan

19 4/2

SP 27/2

21/2

22/2

1-3-38

2/3

4676
Public Works Bill. 7

General and Revenue Secretariat — File No. 26 of 1937 — [App. F. III—2

Serial No.

H.S. with an Amendt Bill with a statement of objects & reasons, on the lines of the Bengal Public Works Act of 1904.

Sd 8/4/38

Mysore pattern a fair copy of 25 to-day.

hm 31.3.

2) Typed Amendt. of St. of objects & reasons sent

Sd 5/4. Chief Secy / Gen Secy / 1st member & Dewan

hm 5/4

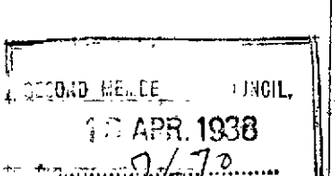
MS 6.4.38

hm 6.4.

24) [illegible] 7/4

25) MS 8.4.38

MS 11/4



26) This is a Council matter. May be disposed of by circulation, if approved

Chief Secy

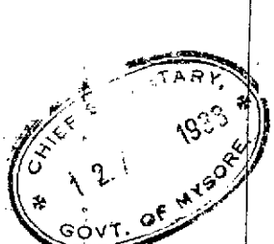
27) Subd.

hm 12.4

2nd member

MS 12/4

hm 12.4

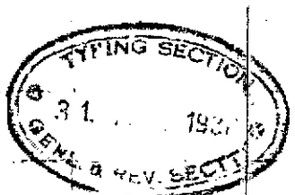


28) Secy 13/4/38

MS 14/4

D.F.N

hm 16.4



7031
6/4.

NOTE—Contn. Sheet.

WD 0281—GPB—30,000—13-8-37

8 Previous Parliament Book 4676

File No. of 193

General and Revenue Secretariat

29) Send letter to D.S.N. Please put up a typed copy
SG 19/4/38 hg 19.4

30) Typed D.S.N. Sent
SG 20/4 (1st Reminder)
Signed Final Note is put up hg
hg 21/4

S. N. put up.

DEWAN)

1st 20.4
hg 21.4

7325

OFFICE OF THE D.
FLEET MEDICAL OFFICER
APR 22 1938
No.

Final Note by the First Member of Council.

Subject.—

Bill for the regulation of Public Parks in Mysore.

In December 1937 the Superintendent, Government Gardens sent up for sanction a set of rules for regulating the entry of the public into Government Gardens and its use by them. In the absence of legislative sanction there would be no means of enforcing those rules. It is therefore proposed to introduce legislation for the regulation of Public Parks on the lines of the Bengal Public Parks Act, 1904.

Power is taken in the Bill to frame rules for regulating entry into the parks and for prohibiting the doing of any act which is likely to interfere with the proper maintenance of such parks.

It is proposed to place the statement of General Principles before the Representative Assembly at its Budget Session and thereafter introduce the Bill in the Legislative Council.

The proposal has been agreed to by the Dewan and the Second Member of Council and it may be graciously approved.

MEMBER OF COUNCIL.

Bangalore,
26th April 1938.

Submitted to His Highness.

---

34 I submit herewith a Final Note by the First Member of Council re: Bill for the regulation of public parks in Mysore,

for His Highness' gracious approval.

Mirza M. Ismail

Dewan.

27-4-38

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Bill for the regulation of public parks in Mysore.

Chief Secy
No
1-5-38

624

35

Order.

~~KRW~~
28/4/38

4676 12

H. H. 618

General and Revenue
Secretariat.

SUBJECT :—
Bill for the regulation of foreign banks in Mysore

(*)

31. All urgent or confidential files returned with His Highness' orders may in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at Headquarters and then sent to the Secretariat concerned for the issue of orders.

36

Circulated to Members of Council for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Government.

Through the Secretary to Government,

..... Department.

37

7761
2/5

FIRST MEMBER OF COUNCIL.

2/5

38

8285
2/5

SECOND MEMBER OF COUNCIL.

3/5/38

3/5

3/5

NOTE.—Contn. sheet.

WD 1170—GPB—1,000—24-12-36

4670
Public Parks Rules 13

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

Typing Section

GENERAL SECRETARY
6 MAY 1938
6569

39) Send with a draft statement of general principles
Sd 4/5/38. fair draft please
hg 4/5

40) & also draft Govt Secy)
Sd 6/5 Govt Secy) and 13), hg 6/5

First Member) hg 13/5

41) Typ 13/5

42) Issue hg 16/5

Typing section for 3 copies of the draft of general principles
Sd 16/5

43) 20 R.A. open with 3 typed copies of the draft of general principles
Sd 18/5

44) Copies taken
18/5/38

R.A. Secy
6624
23/5

45) Send for orders if the Govt may be published under sub S of the Rules.

TYPING SECTION

Published
Vide Govt. Gaz. 21-6-38.

46) Last Gazette date for publication is 26th may may be published
Sd 19/5

NOTE.—Contn. Sheet.

DEWAN'S OFFICE
23 MAY 1938
No. 8107

WD/0294—GPB—30,000—13-8-37

8 members
Secy

47) hg 20/5
Typ 23/5 Sd 26/5

48) Typ 23-5-38
Govt 25/5

15 D117

D1826/1676

Public Parties Bill

File No: of 193 :

General and Revenue Secretariat

2a 49)

Typing sections for making 3 copies of the Bill & Statement of objects & reasons

Sec 30/5

2a 2.c typing sections for 3 copies.

Sec 30/5

50) Three copies taken and file put to Prof. Br.

30-5-38. R 30/5.

51) Submd. for sections as to how he is to be in charge of the Bills in the R.A.

Sec 2/6. (Chief Secy may be in charge of the Chief Secy)

2/6

LPT 3/6

3/6

52) This may be sent to the reporting section for printing up an appropriate report of the discussions in the R.A on the Parties Bills

Sec 30/7/38. R a d C. Offices

R 30/7

OFFICE OF THE SECRETARY
30 MAY 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

OFFICE OF THE SECRETARY
30 MAY 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

CHIEF SECRETARY
OF MYSORE

OFFICE OF THE FIRST MEMBER OF COUNCIL
JUN 14 1938
No.

OFFICE OF THE SECRETARY
30 JULY 1938
REPRESENTATIVE ASSEMBLY AND LEGISLATIVE COUNCIL

Received back the file with endorsement from R. A. Office on 29/8/38
Sec

1414/38
P. Public Parks Bill

15

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

H.R.

53) Submit with the proceedings of last R. A. meeting

I am withdrawing the measure the first mention such that I am would delete Clause 4(2)(4) of the bill most objects to, and bring the measure in a modified form.

H.L.

54) The Dewan in his concluding remarks also said that there would shortly bring a fresh draft which would achieve this object without giving rise to any opportunities.

55) Another point which was objected to was Clause 3 of the bill re powers to extend boundaries of Park. boards

Submit for orders

SC
29/8/38

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—18-8-37

Serial No.

56 During the last session of the Representative Assembly, the trend of discussion on the Public Parks Bill showed that the members objected to clauses 3, 4(2)(b) and 6. Not only the members of the Congress, but even those belonging to other groups raised objection to this bill and said that the bill was unnecessary at the present moment. In view of this opposition Government withdrew the bill promising to bring it up again later in a modified form. The Dewan, in his concluding speech was pleased to state that the Government would place before the House a fresh draft of the bill which would achieve the object in view without giving rise to any apprehensions.

Clause 3.

57 Clause 3 of the Bill gives power to the Government to extend the boundaries of a park by notification in the Official Gazette. The object of clause 3 can as well be achieved by including within the boundaries any specified land, bridge or pantoon, when the Government apply this Act by notification in the Official Gazette under sub-clause (2) of Clause 1. This clause may perhaps be omitted.

Clause 4(2)(b).

58 The First Member has already stated in his concluding speech on the bill that this clause would be deleted. This ~~may~~ should be deleted now.

Clause 6.

With regard to the objection about clause (6) much has got to be said against it. Unless the park watchman ~~xxx~~ is given the power to keep the offender in custody when he refuses to give his address or when he doubts the correctness of the address given,

NOTE—Contn. Sheet.

17 Public Parks bill 14'

File No. of 193

General and Revenue Secretariat

Serial No.

the object of bringing this bill would be lost. The Superintendent or any other officer cannot always be present in the parks to watch the commission of offences and it is only the park-watchman that can keep watch and bring the offenders to book. Similar powers are given to the police constables and the Excise peons under the Police and the Excise Acts and there cannot be any serious objection for giving such ~~original~~ powers to the park-watchman. These powers are essential and clause 6 cannot be altered therefore. No other change appears necessary.

5) If it is intended to bring this Bill again before the next Representative Assembly, clauses 3 and 4(2)(b) alone may perhaps be omitted. The rest of the provisions in the bill seem to be inoccuous and necessary for carrying out the objects of the measure.

6) It is for orders whether the bill has ~~got~~ to be placed before the Representative Assembly now or before the Assembly to meet in June next.

GENERAL SECRETARIAT
31 AUG. 1933
1277

OFFICE OF THE FIRST MEMBER OF COUNCIL
SEP 1 1933
No. 2429

(As members this session)

7) We have plenty of other legislation this Dasara session. This may wait till the next session

Agree

2nd hg 31/8, 31.8

hg 31.8

13/9

2nd 14/9

hg 14.9

Public Parks Bill.

General and Revenue Secretariat | File No. | of 193 . | [App. F. III–2

Serial No. 62)

Submitted for orders whether this Bill with the omission of clauses 3 and 4 (2) (b) be to be introduced placed before the R.A. this session. Not necessary to refer to Council

~~One~~
27.4.39

Hy
28.4.

B
28.4.

NOTE—Contn. Sheet.

5.12.36
2067
5.12.36

Government of Bengal

Legislative Department

Bengal Act II of 1904

The Bengal Public Parks Act 1904

Reprinted with footnotes

CALCUTTA
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1929

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Bengal Act II of 1904.

(THE BENGAL PUBLIC PARKS ACT, 1904).[1]

(9th March, 1904.)

An Act for the regulation of Public Parks in Bengal.

Whereas it is expedient to protect public parks and gardens in Bengal[2] from injury, and to secure the public from molestation and annoyance while resorting to such parks and gardens;

It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bengal Public Parks Act, 1904. Short title and application.

(*2*) It applies to the public parks and gardens mentioned in the Schedule, and may be applied to any other public park or garden in Bengal[2] by order[3] of the Local Government published in the *Calcutta Gazette*.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) "park" means any public park or garden to which this Act applies by virtue of section 1, sub-section (*2*), or any order published thereunder;

(*b*) "superintendent" means the person in executive charge of a park; and for the purposes of section 6, sub-section (*2*), includes also—
(*i*) an assistant superintendent of a park, and
(*ii*) any member of the Managing Committee (if any) of a park; and

(*c*) "park durwan" means any person appointed by the superintendent, or by the authority to whom the superintendent is subordinate, to act as a durwan of the park.

---

[1] LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, *see Calcutta Gazette*, 1903, Pt. IV, p. 62; for Report of Select Committee, *see ibid*, 1904, Pt. IV, p. 22; and for Proceedings in Council, *see ibid*, 1903, Pt. IVA, pp. 218, 224 and *ibid*, 1904, Pt. IVA, pp. 2 and 14.

LOCAL EXTENT.—This Act applies to the public parks and gardens mentioned in the Schedule on p. 4, *post*, and may be applied to others by order—*see* s. 1 (*2*).

The application of the Act is barred in the Chittagong Hill-tracts by the Chittagong Hill-tracts Regulation, 1900 (I of 1900), section 4 (*2*).

[2] This includes the present Presidency of Fort William in Bengal and other territory.

[3] For references to orders made under section 1 (*2*), *see* the Bengal Local Statutory Rules and Orders, 1924, Vol. I, Pt. VI.

(*Sections 3-4.*)

Power to extend boundaries of park.

3. The Local Government may, by notification[1] in the *Calcutta Gazette* declare that any specified land, bridge or pontoon shall, for the purposes of this Act, be deemed to be included in any park.

Power to make rules.

4. (*1*) the Local Government may make rules[2] for the management, and preservation of any park, and for regulating the use thereof by the public.

(*2*) In particular, and without prejudice to the generality of the foregoing power such rules may—

(*a*) regulate the admission of persons, horses and ponies, and carriages, palanquins and other conveyances, into the park, and prescribe fees to be paid therefor;

(*b*) prohibit or regulate the bringing of dogs, motor-cars, bicycles or tricycles into the park;

(*c*) prohibit the doing of all or any of the following things, by persons other than employés of the park, that is to say, plucking or gathering anything growing in the park, breaking trees, branches or plants cutting names or marks on trees, disfiguring buildings, furniture or monuments, removing or disfiguring labels or marks attached to trees or plants;

(*d*) prohibit the purchase of any produce of the park otherwise than from the superintendent or some other authorized person;

(*e*) prohibit shooting, bird-nesting, the catching of butterflies, or any act of cruelty;

(*f*) prohibit or regulate fishing or boating and prescribe fees to be paid by persons obtaining permission to fish or to use boats;

(*g*) prohibit bathing, or the pollution of water by any other means;

(*h*) prohibit the grazing of horses or ponies;

(*i*) prohibit the teasing or annoying of animals or birds kept in the park;

(*k*) prohibit the commission of any nuisance, or the molestation or annoyance of any person resorting to the park.

(*3*) In making any rule under this section, the Local Government may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

---

[1] For a reference to a notification issued under section 3, *see* the Bengal Local Statutory Rules and Orders, 1924, Vol. I, Pt. VI.

[2] For a list of rules made under section 4, *see* the Bengal Local Statutory Rules and Orders, 1924, Vol. I. Pt. VI.

(*4*) The power to make rules under this section is subject to the condition that they shall be made after previous publication.[1]

(*5*) All rules made under this section shall be published in the *Calcutta Gazette*.

Exhibition of copies of notifications and rules in park.

5. One or more copies in English and in one or more vernacular languages, of every notification published under section 3, and of all rules made under section 4 for observance by persons resorting to a park, and for the time being in force, shall be put up in the park in such conspicuous manner as the superintendent may deem best calculated to give information to such persons.

Refusal of offender to give name and residence.

6. (*1*) If any person who, in the presence of a park durwan in uniform, has committed or has been accused of committing a breach of any rule made under section 4, and who is unknown to such durwan, refuses, on demand of such durwan, to give his name and residence, or gives a name or residence which such durwan has reason to believe to be false, such person may be detained by such durwan in order that his name or residence may be ascertained.

(*2*) When any person is detained under sub-section (*1*) he shall forthwith be taken to the superintendent, or, if the superintendent be not present in the park or its immediate precincts, such person shall be taken to the nearest police-station, or if he so requests, to the nearest Magistrate having jurisdiction to try him.

(*3*) If the true name and residence of any person so taken to the superintendent be not ascertained within a reasonable time, the superintendent shall forthwith send for an officer of police, and shall detain the offender until the arrival of such an officer, and shall then deliver him into the custody of such officer, to be taken to the nearest police-station.

(*4*) If the true name and residence of any person taken to a police-station under this section be not ascertained within a reasonable time, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction to try him.

(*5*) When the true name and residence of any person detained under this section have been ascertained, he shall be allowed to depart.

(*6*) No person shall be detained under this section for a longer period than twelve hours.

Act XLV of 1860.

Superintendent and park durwan deemed "public servants."

7. Every superintendent and park durwan shall, for the purposes of the Indian Penal Code[2], be deemed to be a public servant.

[1] As to previous publication *see* the Bengal General Clauses Act, 1899 (Ben. Act 1 of 1899), s. 24.

[2] Printed in the General Acts, 1834-67, Ed. 1909, p. 248.

(*Sections 8, 9 and the Schedule.*)

General powers, duties, etc., of park durwan.

8. Every park durwan shall, in addition to any powers and immunities specially conferred on him by this Act or by rules made hereunder, have, within the limits of the park to which he is appointed, all such powers, privileges and immunities, and shall, within the said limits, be liable to all such duties and responsibilities, as a police-constable has and is liable to within the limits of the police-station in which such park is comprised:

Provided that every park durwan shall be subordinate to the superintendent.

General powers, etc., of police-constables.

9. Every police-constable employed within the limits of a police-station shall have, within any park comprised in such limits, the powers, privileges and immunities conferred on a park durwan by this Act and any rules made hereunder.

THE SCHEDULE.

PUBLIC PARKS AND GARDENS TO WHICH THIS ACT APPLIES IN THE FIRST INSTANCE.

[*See section 1, sub-section (2).*]

The Royal Botanic Garden, Sibpur.
The Zoological Garden, Alipur.
The Eden Gardens, Calcutta.
The Lloyd Botanical Garden, Darjeeling.
The Victoria Pleasance, Darjeeling.

B. G. Press—25-1-1929—2619M—200—O. G.

Bill

AN ACT FOR THE REGULATION OF PUBLIC PARKS IN MYSORE.

Whereas it is expedient to protect public parks and gardens in Mysore from injury, and to secure the public from molestation and annoyance while resorting to such parks and gardens;

It is hereby enacted as follows:--

1. (1) This Act may be called the Mysore Public Parks Act, 193-.

(2) It may be applied to any public park or garden in Mysore by notification of the Government in the official Gazette.

2. In this Act, unless there is anything repugnant in the subject or context,---

Definitions

(a) "park" means any public park or garden to which this Act applies, by virtue

(b) "Superintendent" means the person in executive charge of a park; and for the purposes of section 6, sub-section (2), includes also (i) an assistant superintendent of a park, and (ii) any member of the Managing Committee (if any) of a park; and

(c) "park watchman" means any person appointed by the superintendent, or by the authority to whom the superintendent is subordinate, to act as a watchman of the park.

Power to extend boundaries of park.

3. The Government may, by notification in the official Gazette declare that any specified land, bridge or pontoon shall, for the purposes of this Act, be deemed to be included in any park.

4. (1) the Government may make rules for the management and preservation of any park, and for regulating the use thereof by the public.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may--

(a) regulate the admission of persons, horses and ponies and carriages, palanquins and other conveyances, into the park, and prescribe fees to be paid therefor;

6

(b) Prohibit or regulate the holding of any public meeting, demonstration or picnic parties in the park;

(c) prohibit or regulate the bringing of dogs, motor vehicles ~~cars~~, bicycles or tricycles into the park;

(d) prohibit the doing all or any of the following things, by persons other than employees of the park, that is to say, plucking or gathering anything growing in the park, breaking trees, branches or plants, cutting names or marks on trees, disfiguring buildings, furniture or monuments, removing furniture, removing or disfiguring labels or marks attached to trees or plants;

(e) prohibit the purchase of any produce of the park otherwise than from the superintendent or some other authorized person;

(f) prohibit shooting, bird-nesting, the catching of butterflies, or any act of cruelty;

(g) prohibit or regulate fishing or boating and prescribe fees to be paid by persons obtaining permission to fish or to use boats;

(h) prohibit bathing, or the pollution of water by any other means;

(i) prohibit the grazing of horses or ponies; for cattle

(j) prohibit the teasing or annoying of animals or birds kept in the park;

(k) prohibit the commission of any nuisance, or the molestation or annoyance of any person resorting to the park.

(3) In making any rule under this section, the Government may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(4) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

(5) All rules made under this Section shall be published in the official Gazette.

Exhibition of copies of notifications and rules in park.

5. One or more copies in English and in one or more vernacular languages, of every notification published under section 3, and of all rules made under section 4 for observance by persons resorting to a park, and for the time being in force, shall be put up in the park in such conspicuous manner as the superintendent may deem best calculated to give information to such persons.

Refusal of offender to give name and residence.

6. (1) If any person who, in the presence of a park watchman in uniform, has committed or has been accused of committing a breach of any rule made under section 4, and who is unknown to such watchman , refuses, on demand of such watchman, to give his name and residence, or gives a name or residence which such watchman has reason to believe to be false, such person may be detained by such watchman in order that his name or residence may be ascertained.

(2) When any person is detained under sub-section (1) he shall forthwith be taken to the superintendent, or, if the superintendent be not present in the park or its immediate precincts, such person shall be taken to the nearest police station, or if he so requests, to the nearest Magistrate having jurisdiction to try him.

(3) If the true name and residence of any person so taken to the superintendent be not ascertained within a reasonable time, the superintendent shall forthwith send for an officer of police, and shall then deliver him into the custody of such officer, to be taken to the nearest police station.

(4) If the true name and residence of any person taken to a police-station under this section be not ascertained within a reasonable time, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction to try him.

(5) When the true name and residence of any person detained under this section have been ascertained, he shall be allowed to depart.

(6) No person shall be detained under this section for a longer period than twelve hours.

Superintendent and park watchman deemed as "public servants".

7. Every superintendent and park watchman shall, for the purposes of the Indian Penal Code, as in force in Mysore, be deemed to be a public servant.

8. Every park watchman shall, in addition to any powers and immunities specially conferred on him by ~~kkmxkkxx~~ this Act or by rules made hereunder, have, within the limits of the park to which he is appointed, all such powers, privileges and immunities, and shall, within the said limits, be liable to all such duties and responsibilities, as a police-constable has and is liable to within the limits of the police station in which such park is comprised:

Provided that every park watchman shallbe subordinate to the superintendent.

9. Every ~~pxkxx~~ police-constable employed within the limits of a police-station shall have, within any park comprised in such limits, the powers privileges and immunities conferred on a park watchman by this Act and any rules made hereunder.

STATEMENT OF OBJECTS AND REASONS.

Government have been maintaining large parks and gardens for the benefit of the public resorting to them for recreation purposes. Of late the Superintendents of the Lalbagh and other gardens and parks are finding it difficult to control the public who are visiting such gardens and parks in large numbers. There have been complaints that some of them pollute water sources and misuse the roads and lawns and drive motor vehicles at high speed endangering the pedestrains who resort to such places for purposes of recreation. In the absence of proper legislation, the rules cannot be enforced with the result that gardens and parks do not fully serve the purpose for which they are maintained. It is therefore considered necessary that power should be taken to regulate the entry into the parks of conveyances and persons and prohibit the doing of certain acts which are likely to interfere with the innocent enjoyment of public recreation centres.

The accompanying Bill is intended to serve these objects.

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Statement of general principles of the Mysore Public Parks Bill.

Government are maintaining large parks and gardens for the benefit of the public. There have been complaints that these parks are not properly used and the water sources therein are polluted. In the absence of any legislation it is difficult to regulate and control the use of these parks by people resorting to them. It is therefore proposed to introduce legislation giving power to frame rules for regulating entry into the parks and for prohibiting the doing of any act which is likely to interfere with the proper maintenance of the parks. Breach of the rules will be punishable with fine which may extend to one hundred rupees.

6.5

IV.—Statement of the General Principles of the Mysore Public Parks Bill.

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BANGALORE,
Dated 28th May 1938.

A. SUNDARARAJA RAO,
Secretary,
Mysore Representative Assembly.

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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION

No. 3811—*L. C., dated Bangalore, 26th May* 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to amend the Societies Registration Act, 1904, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to amend the Societies Registration Act, 1904.

Whereas it is expedient to amend the Societies Registration Act, 1904; It is hereby enacted as follows:—

1. This Act may be called the Societies Registration (Amendment) Act, 193

2. Section 5 of the Societies Registration Act, 1904 (hereinafter referred to as the said Act), shall be numbered as clause (a) thereof and to that clause the following words shall be added at the end, namely,

"and a copy of the Balance Sheet together with a statement of receipts and expenditure audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917, shall also be filed with the Registrar of Joint-Stock Companies at the same time."

3. After clause (a) of section 5 of the said Act, the following clauses shall be inserted, namely,—

"(b) A filing fee of one rupee each shall be paid along with the list and the Balance Sheet referred to in clause (a). The said fee may be paid either by affixing Mysore Court Fee Stamps or by crediting the amount to any Government Treasury and by attaching the duplicate chellan to the documents."

"(c) if a Society fails to submit the returns as required by this section the Registrar shall call for the same to be submitted within a specified date, and if the Society still makes default in submitting the returns, the Registrar may levy a fine of Rs. 2 for every day during which the default continues. The fine so levied shall be recoverable as an arrear of land revenue."

4. After section 21 of the said Act, the following new section shall be added, namely,—

"22. The Government may make such rules as it thinks expedient for the carrying out of the purposes of this Act."

Statement of Objects and Reasons.

The Mysore Societies Registration Act, III of 1904, was framed on the model of the British Indian Societies Act XXI of 1860, which (with the exception of two minor amendments, Act XXII of 1927 and Act II of 1912) has not been amended.

According to section 5 of the Act, a Society is required to send a list of Members of the Governing Body and there

is no penal provision in the said Act to enforce its submission. Several Societies have been registered and there is no record whether they are working or not. There have been several complaints of mismanagement of Societies, and in the absence of any provision for the submission of "Receipt and Expenditure" accounts by these Societies, there is no check on their working.

There have been several representations in the Representative Assembly and Legislative Council, for measures to check effectively the management of these Societies.

Though in the year 1935, rules for the removal of the names of defunct Societies, and for the destruction of their records, etc., based on the rules in force in Madras, were introduced here also, yet these provisions have not improved the working of these Societies much.

In the last June Session of the Legislative Council it was urged, that rules, for the effective supervision of the Societies by demanding the annual audited Balance Sheets and Statements of Accounts and Reports, might be framed, and that on default by the Societies, registration might be cancelled. As most of the Societies receive Government grants it is necessary to have a check over their working.

With a view to secure effective control over the Societies, it is proposed to insist on the submission of a balance sheet and accounts audited by a person who has been granted a certificate by Government under section 144 of the Mysore Companies Act, 1917. The levy of a filing fee of rupee one, for each of the lists of members and the balance sheet is also provided for.

The Registrar is empowered to call for the above documents in case of default on the part of the Societies, and to levy, in his discretion, a fine of Rs. 2 per day of delay. To facilitate the recovery of fines, provision has been made for their recovery as arrears of Land Revenue.

Provision is also made empowering the Government to frame rules for carrying out the purposes of the Act.

NOTIFICATION.

No. 3880—L. C., dated Bangalore, 28th May 1938.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to provide for the better control of the publication of newspapers and other printed works containing public news, is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to provide for the better control of the publication of newspapers and other printed works containing public news.

Preamble.

WHEREAS it is expedient to provide for the efficient control of the publication of newspapers and other printed works containing public news; It is hereby enacted as follows:—

Short title and extent.

1. (1) This Act may be called the Mysore Newspapers Act, 193 .

(2) It extends to the whole of Mysore.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(1) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed;

(2) "document" includes also any painting, drawing or photograph or other visible representation;

(3) "Magistrate" means a District Magistrate;

(4) "newspaper" means any periodical work containing public news or comments on public news;

(5) "news-sheet" means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 5;

(6) "press" includes a printing press and all machines, implements and plant and parts thereof and all materials used for multiplying documents;

(7) "printing press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing;

(8) "unauthorised newspaper" means:

(*a*) any newspaper in respect of which there are not for the time being valid declarations under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore; and

(*b*) any newspaper in respect of which security has been required under this Act, but has not been furnished as required; and

(*c*) any newspaper in respect of which permission of Government to publish has not been obtained or permission to which, if granted, has been withdrawn;

(9) "unauthorised news-sheet" means any news-sheet other than a news-sheet published by a person authorised under section 16 to publish it; and

(10) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore.

Permission to publish.

3. No newspaper shall, without the written permission of the Government be published, and any such permission may, at any time be withdrawn by the Government.

Control of Printing Presses and Newspapers.

Deposit of security by keepers of printing presses.

4. (i) Any person keeping a printing press who is required to make a declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing, to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose:

Provided that if a deposit has been required under sub-section (3) from any previous keeper of the printing press, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any printing press, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 5 in respect of such press, the security shall, on application by the keeper of the press, be refunded.

(3) Whenever it appears to the Government that any printing press, in respect of which security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2) is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than three thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security or press forfeited in certain cases.

5. Whenever it appears to the Government that any printing press in respect of which any security has been ordered to be deposited under section 4 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which—

(*a*) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or

(*b*) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or which end directly or indirectly—

(*c*) to seduce any officer, sowar, driver or follower in the Mysore Military Forces or any police officer from his allegiance or his duty, or

(*d*) to bring into hatred or contempt His Majesty the King Emperor of India, or His Highness the Maharaja, or the Government established by law in British India and in the territories of His Highness the Maharaja, or the administration of justice in Mysore or any class or section of His Majesty the King Emperor of India's subjects in British India or His Highness the Maharaja's subjects in Mysore, or to excite disaffection towards His Majesty the King Emperor of India or His Highness the Maharaja or the said Governments, or

(*e*) to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or

(*f*) to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse or defer payment of any land revenue, tax, rate, cess or other due or amount payable to Government, or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or

(*g*) to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office, or

(*h*) to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects, or

(*i*) to prejudice the recruiting of persons to serve in any of the Mysore Military Forces, or in any Police Force, or to prejudice the training, discipline or administration of any such force,

the Government may, by notice in writing to the keeper of such printing press stating or describing the words, signs or visible representations which in its opinion are of the nature described above:

(i) where security has been deposited, declare such security, or any portion thereof, to be forfeited to Government, or

(ii) where security has not been deposited, declare the press to be forfeited to Government, and may also

declare all copies of such newspaper, book or other document wherever found in Mysore to be forfeited to Government.

Explanation.—(i) No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a).

(ii) Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (d) of this sub-section.

(iii) Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, shall not be deemed to be of the nature described in clause (*d*) of this sub-section.

(iv) Words pointing out, without malicious intention and with an honest view to their removal, matters which are producing or have a tendency to produce feelings of enmity or hatred between different classes of His Majesty the King Emperor of India's or His Highness the Maharaja's subjects shall not be deemed to be words of the nature described in clause (*h*) of this sub-section.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

6. (1) Where the security given in respect of any press or any portion thereof, has been declared forfeited under section 5 or section 7, every person making a fresh declaration in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall deposit with the Magistrate before whom such declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 5 or section 7, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and publications forfeited.

7. (1) If after security has been deposited under section 6, the printing press is again used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the keeper of such printing press, stating or describing such words, signs or visible representations, declare--

(*a*) the further security so deposited, or any portion thereof, and

(*b*) all copies of such newspaper, book or other document wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the issue of a notice under sub-section (1), the declaration made in respect of such press under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of security by publisher of newspaper.

8. (1) Any publisher of a newspaper who is required to make a declaration under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, may be required by the Magistrate before whom the declaration is made, for reasons to be recorded in writing to deposit with the Magistrate within ten days from the day on which the declaration is made, security to such an amount, not being more than one thousand rupees, as the Magistrate may in each case think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose :

Provided that if a deposit has been required under sub-section (3) from any previous publisher of the newspaper, the security which may be required under this sub-section may amount to three thousand rupees.

(2) Where security required under sub-section (1) has been deposited in respect of any newspaper, and for a period of three months from the date of the declaration mentioned in sub-section (1) no order is made by the Government under section 9 in respect of such newspaper, the security shall, on an application by the publisher of the newspaper, be refunded.

(3) Whenever it appears to the Government that a newspaper published within Mysore in respect of which

security under the provisions of this Act has not been required, or having been required has been refunded under sub-section (2), contains any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper stating or describing such words, signs or visible representations, require the publisher to deposit with the Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than three thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(4) Such notice shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

Power to declare security forfeited in certain cases.

9. (1) If any newspaper in respect of which any security to be deposited under section 8 contains any words, signs or visible representations which, in the opinion of the Government are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations.—

(*a*) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or

(*b*) where the security has not been deposited, annul the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, and may also declare all copies of such newspaper, wherever found in Mysore, to be forfeited to Government.

(2) After the expiry of ten days from the date of issue of a notice under sub-section (1) declaring a security or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled.

Deposit of further security.

10. (1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 9 or section 11, any person making a fresh declaration under section 5 of the Press and Registration

of Books Act, 1867, as in force in Mysore, as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the Magistrate before whom the declaration is made, security to such an amount, not being less than one thousand or more than ten thousand rupees, as the Magistrate may think fit to require, in money or the equivalent thereof in securities of the Government of Mysore as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 9 or section 11, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

Power to declare further security and newspapers forfeited.

11. (1) If, after security has been deposited under section 10, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in section 5, sub-section (1), the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

(*a*) the further security so deposited or any portion thereof, and

(*b*) all copies of such newspaper wherever found in Mysore, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of the notice under sub-section (1), the declaration made by the publisher of such newspaper under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore, shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

Penalty for keeping press or publishing newspaper without making deposit.

12. (1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under section 4 or section 6 as required by the Government or the Magistrate as the case may be, shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4 of the Press and Registration of Books Act, 1867.

(2) Whoever publishes any newspaper without making a deposit under section 8 or section 10, as required by the Government or the Magistrate as the case may be,

or publishes such newspaper knowing that such security has not been deposited or publishes any newspaper without the permission of the Government as required under section 3 or after such permission has been withdrawn shall, on conviction by a Magistrate, be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 5 of the Press and Registration of Books Act, 1867.

Consequence of failure to deposit security as required.

13. (1) Where a deposit is required from the keeper of a printing press under section 4 such press shall not be used for the printing or publishing of any newspaper, book or other document after the expiry of the time allowed to make the deposit until the deposit has been made, and where a deposit is required from the keeper of a printing press under section 6, such press shall not be so used until the deposit has been made.

(2) Where any printing press is used in contravention of sub-section (1), the Government may, by notice in writing to the keeper thereof, declare the press to be forfeited to the Government.

(3) Where a deposit is required from the publisher of a newspaper under section 8 and the deposit is not made within the time allowed, the declaration made by the publisher under section 5 of the Press and Registration of Books Act, 1867, as in force in Mysore shall be deemed to be annulled.

Return of deposited security in certain cases.

14. Where any person has deposited any security under this Act and ceases to keep the press in respect of which such security was deposited, or being a publisher, makes a declaration under section 8 of the Press and Registration of Books Act, 1867, as in force in Mysore, he may apply to the Magistrate within whose jurisdiction such press is situate for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

Issue of search warrant.

15. Where any printing press is or any copies of any newspapers, book or other document are declared forfeited to Government under section 5, section 7, section 9, section 11, or section 13, the Government may direct a Magistrate to issue a warrant empowering any police officer, not below the rank of a Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises.

(i) Where any such property may be or may be reasonably suspected to be; or

(ii) where any copy of such newspaper, book or other document is kept for sale, distribution or publication or public exhibition or is reasonably suspected to be so kept.

Unauthorised news-sheets and newspapers.

Authorisation of persons to publish news-sheets.

16. (1) The Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorise any person by name to publish a news-sheet, or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorised.

(3) The Magistrate may at any time revoke an order made by him under sub-section (1).

Power to seize and destroy unauthorised news-sheet and newspapers.

17. (1) Any Police Officer, or any other person empowered in this behalf by the Government, may seize any unauthorised news-sheet or unauthorised newspaper, wherever found.

(2) Any District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorised news-sheets or unauthorised newspapers may be or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised news-sheets or unauthorised newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-Divisional Magistrate or Magistrate of the First Class and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If, in the opinion of such Magistrate or Court, any of such documents are unauthorised news-sheets or unauthorised newspapers, the Magistrate or Court may cause them to be destroyed. If, in the opinion of such Magistrate or Court, any of such documents are not unauthorised news-sheets or unauthorised newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

Powers to seize and forfeit undeclared presses producing unauthorised news-sheets and newspapers.

18. (1) Where a District Magistrate or Sub-Divisional Magistrate has reason to believe that an unauthorised news-sheet or unauthorised newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police officer, any press found in such place is an undeclared press and is used to produce an unauthorised news-sheet or unauthorised newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorised news-sheets or unauthorised newspapers.

(2) The police officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized :

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorised news-sheet or unauthorised newspaper, it may, by order in writing, declare the press to be forfeited to the Government. If after such inquiry the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1904.

(4) The Court shall deal with documents produced before it under this section in the manner provided in sub-section (4) of section 17.

Penalty for disseminating unauthorised news-sheets and newspapers.

19. (1) Whoever makes, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorised news-sheet or newspapers, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1904, any offence punishable under sub-section (1), and any abetment of any such offence shall be cognizable.

Special provisions relating to the seizure of certain documents.

Forfeiture of newspaper, etc., containing objectionable matters.

20. Where any newspaper, book or other document wherever made appears to the Government to contain any words, signs or visible representations of the nature described in section 5, sub-section (1), the Government may, by notification in the Official Gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper and every copy of such book or other document to be forfeited to the Government and thereupon any police officer may seize the same wherever found in Mysore and any Magistrate may by warrant authorise any police officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be reasonably suspected to be.

Non-transmission by Post.

21. No unauthorised news-sheet or unauthorised newspaper shall be transmitted by post.

Application to High Court to set aside order of forfeiture.

22. (1) The keeper of a printing press who has been ordered to deposit security under sub-section (3) of section 4 or the publisher of a newspaper who has been ordered to deposit security under sub-section (3) of section 8, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 5, section 7, section 11 or section 20 may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court, shall decide if the newspaper, book or other document in respect of which the order was made did or did not contain any words, signs or visible representation of the nature described in section 5, sub-section (1).

(2) The keeper of a printing press in respect of which an order of forfeiture has been made under sub-section (2) of section 13 on the ground that it has been used in contravention of sub-section (1) of that section may apply to the High Court to set aside the order on the ground that the press was not so used.

Hearing by Special Bench.

23. Every such application shall be heard and determined by a Special Bench of the High Court consisting of not less than two Judges.

Order of Special Bench setting aside forfeiture.

24. (1) If it appears to the Special Bench on an application under sub-section (1) of section 22 that the words, signs or visible representations contained in the

newspaper, book or other document in respect of which the order in question was made were not of the nature described in section 5, sub-section (1), the Special Bench shall set aside the order.

(2) If it appears to the Special Bench on an application under sub-section (2) of section 22 that the printing-press was not used in contravention of sub-section (1) of section 13, it shall set aside the order of forfeiture.

(3) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

(4) Where there is no such majority which concurs in setting aside the order in question, the order shall stand.

Evidence to prove nature or tendency of newspaper.

25. On the hearing of an application under sub-section (1) of section 22 with reference to any newspaper, any copy of such newspaper published after the commencement of this Act may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspapers, in respect of which the order was made.

Procedure in High Court.

26. The High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Court in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

Supplemental.

Service of Notices.

27. Every notice under this Act shall be sent to a Magistrate, who shall cause it to be served in the manner provided for the service of summonses under the Code of Criminal Procedure, 1904 :

Provided that if service in such manner cannot by the exercise of due diligence be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situate, as described in the keeper's declaration under section 4 of the Press and Registration of Books Act, 1867, as in force in Mysore and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of

such newspaper is conducted, as given in the publisher's declaration under section 5 of the said Act; and thereupon the notice shall be deemed to have been duly served.

Conduct of search.

28. Every warrant issued under this Act, shall so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1904.

Jurisdiction barred.

29. Every declaration of forfeiture purporting to be made under this Act shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceeding purporting to be taken under this Act shall be called in question by any Court, except the High Court on application under section 22 and no civil or criminal proceeding, except as provided by this Act, shall be instituted against any person for anything done or in good faith intended to be done under this Act.

Operation of other laws not barred.

30. Nothing herein contained shall be deemed to prevent any person from being prosecuted under any other laws for any act or omission which constitutes an offence against this Act.

Declarations before whom to be made.

31. All declarations required to be made under section 4, section 5 and section 8 of the Press and Registration of Books Act of 1867 as in force in Mysore shall be made before a District Magistrate.

Repeal.

32. The Mysore Newspapers Act III of 1908 is hereby repealed.

Statement of Objects and Reasons.

The repeal of the Newspaper Act, 1908, has been several times urged in the Representative Assembly and the Legislative Council. A request was made in the Representative Assembly at its last Dasara Session that the present Act may be repealed and if necessary, one more or less on the lines of the British Indian Act placed on the Statute Book. Government expressed willingness to replace the present Act by an Act on nearly the same lines as the law in force in British India and this Bill has been accordingly prepared. The main principles of the Bill are as follows:—

1. The permission of Government must be obtained before the publication of a newspaper as heretofore.

2. The Magistrate before whom declaration is made may demand security either from the keeper of the

press or from the publisher of the newspaper under certain circumstances.

3. The Government may, if it appears to them that the press is used for printing or publishing objectionable matter such as incitement to the commission of an offence, seduction of military, sedition, etc., declare the security forfeited or, where no security is deposited, declare the press to be forfeited and the declaration made under the Press and Registration of Books Act, shall be annulled.

4. Where the security has been forfeited, any person making a fresh declaration in respect of such press or newspaper shall deposit a security of a larger amount.

5. If the press or the newspaper is again used for printing or publishing objectionable matter, the Government may forfeit the further security and the fresh declaration shall be annulled. No further declaration in respect of such newspaper shall be made save with the permission of the Government.

6. Failure to deposit security which is ordered is subject to the same penalty as the one to which the person would be liable for failure to make a declaration under the Press and Registration of Books Act.

7. Where a press or copies of a newspaper are declared forfeited, a Magistrate may authorise the Police to search for and seize them.

8. Unauthorised news-sheets or newspapers may be seized or destroyed.

9. Selling, publishing or keeping for sale or publication of any unauthorised news-sheet or newspaper is made punishable.

10. Any newspaper, book or document which appears to Government to contain objectionable matter may be declared to be forfeited.

11. Provision is made for application to the High Court against the orders of Government demanding security either from the keeper of the press, or from the publisher of a newspaper, or from an order of Government forfeiting the press or security deposited by such persons.

The bill closely follows the Criminal Law Amendment Act of 1935. The penalty of deportation fixed in certain cases under the existing Act is removed and imprisonment is substituted for certain offences.

NOTIFICATION.

No. 3917—*L. C., dated Bangalore* 30*th May* 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill for the Regulation of Public Parks in Mysore is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill for the Regulation of Public Parks in Mysore.

Whereas it is expedient to protect public parks and gardens in Mysore from injury, and to secure the public from molestation and annoyance while resorting to such parks and gardens;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Public Parks Act, 193 .

(2) It may be applied to any public park or garden in Mysore by notification of the Government in the official Gazette.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

"Park" means any public park or garden to which this Act applies,

"Superintendent" means the person in executive charge of a park; and for the purposes of section 6, sub-section (2), includes also (i) an assistant superintendent of a park and (ii) any member of the Managing Committee (if any) of a park; and

"park watchman" means any person appointed by the superintendent, or by the authority to whom the superintendent is subordinate to act as a watchman of the park.

3. The Government may, by notification in the official Gazette, declare that any specified land, bridge or pontoon shall, for the purposes of this Act, be deemed to be included in any park. Power to extend boundaries of park.

4. (1) The Government may make rules for the management and preservation of any park, and for regulating the use thereof by the public.

(2) In particular, and without prejudice to the generality of the foregoing power such rules may—

(*a*) regulate the admission of persons, horses and ponies and carriages, palanquins and other conveyances, into the park, and prescribe fees to be paid therefor;

(*b*) prohibit or regulate the holding of any public meeting, demonstration or picnic parties in the park;

(*c*) prohibit or regulate the bringing of dogs, motor vehicles, bicycles or tricycles into the park;

(*d*) prohibit the doing of all or any of the following things, by persons other than employees of the park, that is to say, plucking or gathering anything growing in the park, breaking trees, branches or plants, cutting names or marks on trees, disfiguring buildings, furniture or monuments, removing furniture, removing or disfiguring labels or marks attached to trees or plants;

(*e*) prohibit the purchase of any produce of the park otherwis than from the superintendent or some other authorised person;

(*f*) prohibit shooting, bird nesting, the catching of butterflies, or any act of cruelty;

(*g*) prohibit or regulate fishing or boating, and prescribe fees to be paid by persons obtaining permission to fish or to use boats;

(*h*) prohibit bathing, or the pollution of water by any other means:

(*i*) prohibit the grazing of horses, ponies or cattle;

(*j*) prohibit the teasing or annoying of animals or birds kept in the park;

(*k*) prohibit the commission of any nuisance, or the molestation or annoyance of any person resorting to the park.

(3) In making any rule under this section, the Government may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(4) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

(5) All rules made under this Section shall be published in the official Gazette.

Exhibition of copies of notifications and rules in park.

5. One or more copies in English and in one or more vernacular languages, of every notification published under section 3, and of all rules made under section 4 for observance by persons resorting to a park, and for the time being in force, shall be put in the park in such

conspicuous manner as the Superintendent may deem best calculated to give information to such persons.

Refusal of offender to give name and residence.

6. (1) If any person in the presence of a park watchman in uniform, has committed or has been accused of committing a breach of any rule made under section 4, and who is unknown to such watchman, refuses, on demand of such watchman, to give his name and residence, or gives a name or residence which such watchman has reason to believe to be false, such person may be detained by such watchman in order that his name or residence may be ascertained.

(2) When any person is detained under sub-section (1) he shall forthwith be taken to the Superintendent or if the Superintendent be not present in the park or its immediate precints, such person shall be taken to the nearest police station, or if he so requests, to the nearest Magistrate having jurisdiction to try him.

(3) If the true name and residence of any person so taken to the Superintendent be not ascertained within a reasonable time, the Superintendent, shall forthwith send for an officer of police, and shall then deliver him into the custody of such officer, to be taken to the nearest police station.

(4) If the true name and residence of any person taken to a police station under this section be not ascertained within a reasonable time, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction to try him.

(5) When the true name and residence of any person detained under this section have been ascertained he shall be allowed to depart.

(6) No person shall be detained under this section for a longer period than twelve hours.

Superintendent and park watchman deemed as "public servants."

7. Every superintendent and park watchman shall, for the purposes of the Indian Penal Code, as in force in Mysore, be deemed to be a public servant.

General powers and duties of park watchman.

8. Every park watchman shall, in addition to any powers and immunities specially conferred on him by this Act or by rules made hereunder, have, within the limits of the park to which he is appointed all such powers, privileges and immunities, and shall, within the said limits, be liable to all such duties and responsibilities, as a police constable has and is liable to within the limits of the police station, in which such park is comprised :

Provided that every park watchman shall be subordinate to the superintendent.

General powers of police-constables.

9. Every police-constable employed within the limits of a police-station shall have, within any park comprised in such limits, the powers, privileges and immunities conferred on a park watchman by this Act and any rules made hereunder.

Statement of objects and reasons.

Government have been maintaining large parks and gardens for the benefit of the public resorting to them for recreation purposes. Of late the Superintendents of the Lalbagh and other gardens and parks are finding it difficult to control the public who are visiting such gardens and parks in large numbers. There have been complaints that some of them pollute water sources and misuse the roads and lawns and drive motor vehicles at high speed endangering the pedestrians who resort to such places for purposes of recreation. In the absence of proper legislation, the rules cannot be enforced with the result that gardens and parks do not fully serve the purpose for which they are maintained. It is therefore considered necessary that power should be taken to regulate the entry into the parks of conveyances and persons and prohibit the doing of certain acts which are likely to interfere with innocent enjoyment of public recreation centres.

The accompanying Bill is intended to serve these objects.

NOTIFICATION.

No. 3919—*L. C. Bangalore,*
Dated 30th May 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Bill to restrict the transfer of Mysore Government Savings Certificates and provide for the payment of Certificates standing in the name of deceased persons is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to restrict the transfer of Mysore Government Savings Certificates and provide for the payment of Certificates standing in the name of deceased persons.

Whereas it is expedient to restrict the transfer of Mysore Government Savings Certificates and to provide for the payment of Certificates standing in the name of deceased persons; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Mysore Government Savings Certificates Act, 193 .

(2) It extends to the whole of Mysore.

(3) It will come into force at once.

Prohibition of transfer of Mysore Government Savings Certificates without the consent of the Treasury Officers.

2. (1) Notwithstanding any provision in any enactment or any rule of law for the time being in force to the contrary, no transfer of a Mysore Government Savings Certificate shall be valid without the previous consent in writing of the officer in charge of the treasury in whose books it is for the time being registered.

(2) In this connection "transfer" means a transfer *inter vivos* and does not include a transfer by operation of law.

Payment on death of holder of Mysore Government Savings Certificate.

3. (1) If a person dies and is at the time of his death the holder of a Mysore Government Savings Certificate, payment of the sum for the time being due on such Certificate may be made in the manner provided in the Savings Banks Act V of 1873 for the payment of deposits belonging to the estates of deceased persons, and the provisions of sections 4 to 9 of the said Act shall apply accordingly as if the holder of such Certificate were a depositor in a Government Savings Bank and the sum for the time being due on such Certificate were a deposit in such a Bank.

Provided that the powers conferred by the said provisions on the Secretary of a Government Savings Bank shall be exercisable by the Comptroller.

Provided further that, where in any one case payment, is to be made of Certificates issued from more treasuries than one, the said powers shall be exercisable by the Comptroller.

(2) Nothing in sub-section (1) shall be deemed to require any person to accept payment of the amount due on a Mysore Government Savings Certificate before the same has reached maturity.

4. (1) Notwithstanding anything in section 45 of the Indian Contract Act 1872 as in force in Mysore, when a Government Savings Certificate is payable to two or more persons jointly and either or any of them dies, the Certificate shall be payable to the survivor or survivors of those persons and when all the joint holders are dead, it shall be payable to the registered nominee, and in the absence of nomination, to the representative of the last surviving joint holder in accordance with the provisions contained in section 3.

(2) This section shall apply whether such death occurred or occurs before or after this Act comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any certificate to which sub-section (1) applies.

Statement of objects and reasons.

With a view to afford further facilities for investment of savings, Government have sanctioned the issue of "Savings Certificates," as an adjunct to Government Savings Banks.

It is proposed to permit the transfer of Savings Certificates only with the permission of the officer in charge of the treasury where these are registered for the time being. This restriction will not be operative in the absence of special legislation.

It is also necessary to provide by legislation for the payment of Certificates standing in the name of deceased persons in the same way as Government Savings Banks Deposits forming part of the estate of such persons to the heirs of the deceased or to the nominees if any.

It is accordingly proposed to introduce a Bill on the lines of the Government of India Act XVIII of 1917.

Opportunity has at the same time been taken to provide by legislation for the payment of Certificates standing in the names of joint holders when some or all the joint holders are dead, in the manner provided in section 4 of the Securities Act.

Printed by the Superintendent at the Government Press, Bangalore.

cases, executive action by the Government was inevitable. For taking such action, it was necessary that the Executive must have the power. But subsequently when the case went up before a court of law, it would set right any injustice which might have been done by the executive. So, there was nothing new in the measure proposed by the Government.

One or two members had taken objection to Mysore copying the British Indian law. One member indeed expressed the lofty ambition that Mysore should provide model laws for all the rest of the world to emulate. The Government of Mysore had no such ideal or ambition. All that they wanted was public safety consistent with the experience that other governments had gained. It would be wise for them if they were prepared to profit by the experience of others. These were not matters on which any government could afford to experiment. The same member had also made a delightful promise to present the House with a perfect Act at no distant date. The speaker would patiently wait for such a day and until that day arrived, Government would rest content with laws which were considered as good enough.

Some members had asked why the editors of papers should first obtain Government permission at all and be called upon to appear before the magistrates afterwards. This point had already been answered by another member, Mr. S. C. Malliah. Government's permission was provided for even in the existing law. So, the provision in this behalf in the bill was nothing new.

Having said all this, the speaker had pleasure in stating that in view of the representations made by many members, Government were prepared to delete clause 3 from the bill under discussion. After this deletion, the bill would be merely a copy of the British Indian law and the members need therefore have no more apprehensions about the measure.

Proceeding, the Member said that only recently he was discussing the question of the Newspaper Act with a certain gentleman connected with newspaper editing. In the course of that conversation, that gentleman told the speaker that newspapers were labouring under three main difficulties, *viz.*, (*i*) that the provision in respect of Government permission or withdrawal thereof was hanging as a sword of Damocles, (*ii*) that whatever action Government might take against newspapers, the former were not bound to explain the reasons behind their action, and (*iii*) when once a licence was suspended or withdrawn, the editor was compelled to go before the same Government for permission to resume his paper or start another in its place. If clause 3 was dropped as already promised, not only would the law become a mere replica of the British Indian Act, but all the three main difficulties complained of would at once disappear. In the first place, permission of Government would no longer be necessary. Secondly, the reasons for any action taken by the Government would have to be explained in accordance with clause 5. Thirdly, the editors would no longer have the necessity of appearing before the same Government for permission to resume a paper the licence of which had been suspended or publish another paper in its place because it was before the courts of law that editors would have to appear in future for permission to edit papers.

As had already been explained, newspaper editors would find every safety in the provision relating to appeals to High Court Surely, the High Court's decision would be the last word on the subject, and if, in any particular case, the High Court felt that the Government were not justified in making the order in question, then necessarily the said order would be withdrawn or modified, as the case may be.

Mr. Bhashyam Aiyangar had stated that many an editor might not go in appeal at all. That was a matter which nobody could help. If an aggrieved party did not go in appeal and secure the relief which he thought he was entitled to, surely the Government could not help him.

In conclusion, **Mr. RAJAGOPALACHARI** stated that the difficulties complained of by the several members would

be removed under the bill as modified. A similar law had been in force in various parts of British India and nothing untoward had happened there. The very circumstance that a large number of newspapers were thriving in British India was an indication that the law as in force in British India was nothing to be afraid of. Generally speaking, newspapers in Mysore were no doubt conducting themselves well enough. But one could not be sure that the same state of affairs would prevail for all time and that was the only reason why some sort of control over the Press had been provided for. Government had noted for consideration the point urged by some of the members that the securities which magistrates might demand might be very heavy in some cases. Government would consider this point with due sympathy, when the bill went up before the Select Committee. Not only this. The Select Committee would consider whether any other clauses required to be made less stringent. It was not the idea of the Government to cause any harm to any paper. Government had no hesitation in assuring the House that no needless trouble would be caused to any paper in the State. He also said that this was not a party question, but was a matter of common interest to the Assembly as a whole. In view of this, he hoped that the bill in question would receive the wholehearted support of the entire House.

As a last word on this question, he would state that it was not the letter of the law that mattered so much as the spirit behind it. If the House was agreed on this point and if in view of the Government's assurance that they would work the law in a generous spirit the editors of papers also conducted themselves in a proper manner, then there would be no reason for anybody to apprehend any kind of trouble at any time in the future as a result of this legislation.

The general principles of the bill were then put to vote and lost, 56 members voting in favour of it and 111 against.

IV. General Principles of the Mysore Public Parks Bill.

The CHIEF SECRETARY to GOVERNMENT (Mr. H. V. Ramaswami) explained the general principles of the bill as follows:—

"Government are maintaining large parks and gardens for the benefit of the public. There have been complaints that these parks are not properly used and the water sources therein are polluted. In the absence of any legislation, it is difficult to regulate and control the use of these parks by people resorting to them. It is therefore, proposed to introduce legislation giving power to frame rules for regulating entry into the parks and for prohibiting the doing of any act which is likely to interfere with the proper maintenance of the parks. Breach of the rules will be punishable with fine which may extend to one hundred rupees."

Mr. P. SITHARAMAIYA said that in the interests of general health, all the subjects of the State should be at perfect liberty to make use of all available parks, but the proposed law would effectively prevent the bulk of the people, more especially the innocent people, from making use of the parks at all. No doubt, ostensibly, the object of the bill was said to be to prevent pollution of water sources. But the speaker had reason to believe that the law was mainly meant to prevent meetings being held in public places. Though this was called the Mysore Public Parks Bill, power was proposed to be taken to declare any open space or *maidan* as a public park. In other words, there would be no spacious ground or park available for the public to hold big meetings.

A perusal of the provisions of the law would show that even if a few friends went to a park with the most innocent object of merely enjoying open air and carrying on friendly talk or chat, there would be so much restriction placed in their way. There appeared to be no necessity for a law of this kind, because under Section 39 of the Police Act, and Section 144 of the Criminal Procedure Code and other Acts,

Government had even at present plenty of powers to deal with persons damaging the parks or holding objectionable meetings, etc. It would be a serious interference with the exercise of ordinary rights of citizenship if the authorities began to object to even picnic parties being held in public parks. It would be impossible for the Superintendent of Gardens himself to be present in all the parks at the same time. Naturally, the servant in charge might make a report against any person or persons who fell into his disfavour, that such persons held a meeting or demonstration in the park and that action should be taken against them. The authorities taking action on the basis of such reports would be attaching too much importance to the word of a low-paid servant and however honourable the persons complained against might be, their defence might count for nothing in the face of the servant's report. Besides, the law was proposed to be applied not to particular cities or towns, but to all places. Even in villages where parks and circles had just begun to be laid out or constructed, if such a rigorous law was to be applied, there would be little chance of anybody making use of such parks. In these busy days, people could not afford to have social contacts during working hours. If at all, friends must meet and chat, it could only be in the evening hours, preferably in public parks or gardens. Such a thing would become difficult in future if the proposed law was passed. Consequently people would prefer not to visit the gardens at all, lest the servant who might expect some gratification at their hands might, when he was disappointed, lodge a complaint against them and book them. And however unjust the charge against them, the defence of such people would count for nothing. Even granting that the courts would accept their explanation and dismiss the complaint, there was still the risk of the parties being detained in custody for 12 hours. If, however, the courts upheld the complaint, then the innocent people would be sentenced to a fine which might extend to Rs. 100. This surely was not the way of popularising parks and inducing tax payers to have the benefit of the gardens. It looked to him as though the Government, realizing the difficulty of proving cases instituted under the Police Regulation or the Criminal Procedure Code against persons who were not in their favour, had taken recourse to this bill, with the help of which they wished to take drastic action against such persons, under cover of regulating and controlling the use of public parks. The law was as unnecessary as obnoxious, and he therefore felt bound to oppose it.

Mr. B. L. BYANNA did not believe that there were valuable parks and gardens in all parts of the State. If at all, such parks were maintained in the two cities of Bangalore and Mysore. Such being the case, he did not see any necessity for a law of such general application, as the one proposed. He was not aware that, even in the case of a few other towns where parks existed, persons visiting them were damaging the parks or polluting water sources. All that was known to him was that in the cities, of late, meetings of a political character were being held in such parks and Government, in proposing this law at such a time, would naturally be making themselves liable to the blame that they were trying this as one more way of preventing the holding of such meetings. If this was not their object, he would request the Government to withdraw this bill.

With reference to the remark that Government might have had some special motive in proposing this legislation, **the FIRST MEMBER (Rajamantrapravina S. P. Rajagopalachari)** assured the House that there was no such object behind the measure. He would straightway explain to the House the particular circumstances under which this bill had been thought of. The Superintendent of the Lal Bagh, Bangalore, had made a reference in which he had pointed out that the rules which had been framed for the proper maintenance of the gardens could not be enforced for the reason that there was no legislative sanction behind them. In one case, the Superintendent had got a

complaint registered against a certain party who was alleged to have interfered with the gardens. But the magistrate before whom that complaint had been lodged, dismissed the case on the ground that the Superintendent had no jurisdiction to pass those rules. Consequently, the general public would not care for those rules in future. In those circumstances, the Superintendent had requested the Government to secure legislative sanction to the rules in question. The bill under discussion had been proposed under such circumstances. Legislative sanction was necessary as it was not competent even for the District Magistrate to issue a notification making these rules enforceable. So, as had been done in some other provinces in British India, Government here also proposed to enact a law for the proper maintenance of public parks and water sources. Members need therefore labour under no misapprehension whatever that there was any political reason or motive behind this bill. All the provisions contained in the draft bill were similar to those in force in other parts of India. Government never disputed the point that public parks were meant for the com mon good of the people, but if thousands of people happened to hold meetings in a particular park, it would naturally prevent many other quiet-loving people from resorting to those gardens or parks. It was to prevent such misuse of parks and public places that this law had been proposed.

Mr. K. T. BHASHYAM AIYANGAR enquired whether any actual instances had come to the notice of the Government in which thousands of people took possession of parks for purposes of mammoth meetings, preventing other visitors from deriving the benefits of the parks.

Mr. S. P. RAJAGOPALACHARI said that he was only quoting that as an instance of the possibility of parks and gardens being misused, and added that all possibilities would have to be provided for while legislating on a question. But the main point to be borne in mind in this connection was that some rules and restrictions were absolutely necessary if the parks and gardens should be maintained properly. In this view, he did not see any reason why members should be opposed to such an innocent measure like this.

Mr. P. SITHARAMAIYA feared that once this law was enacted, Government might declare any and every place as a public park or garden by the application of the provisions of the law to such places and thus effectively make it impossible for a few people to join together and hold conversations or convene meetings.

Mr. S. P. RAJAGOPALACHARI said that such a fear would be altogether unjustified. No Government would be called wise if it applied the public parks law to places which could not be classed as parks or gardens. Even clause (*b*) of which Mr. Sitharamaiya seemed to be much afraid did not give room for the fear which he entertained. No clause of any bill could be inconsistent with the general tenor of the bill as a whole There was a rule of interpretation that one section should not be applied or understood as apart from the meaning of the whole Act. All the fears relating to clause (*b*) would be set at rest by the fact that clause (*b*) was merely an explanation of clause (*a*). Clause (*a*) referred to the regulation of admission of persons and the levy of fees if any; and that only with reference to the holding of demonstrations, picnics, meetings, etc. All the other provisions of the bill were most unobjectionable. They were elementary rules everywhere considered necessary for the proper maintenance of parks. In this view, he hoped that the Assembly would accept the general principles of the bill unanimously.

Mr. K. T. BHASHYAM AIYANGAR conceded that the object underlying the bill might be quite good and innocent But the members had some objections to it in spite of that circumstance. He did not impute any motives to the Government in proposing this bill, but he was certain that if the bill was passed into law, it would affect the ordinary rights of the citizens of the State. He shared the fears expressed by Mr Sitharamaiya that if this law was

passed, Government might go on declaring as public park or garden any and every place which might be made use of for holding meetings with which Government might happen not to sympathise. If this was not the object of the legislation under discussion, it was open to the Government to assure the House that they would not do so with a view to satisfying the members.

Proceeding, the speaker pointed out that the First Member of Council had stated that some of the provisions of the bill had been embodied merely for the purpose of meeting possibilities. Even the opposition by some of the members of the House was on similar grounds, *viz.*, that they should not allow certain possibilities to happen. In particular he did not like the idea of Government thinking of levying or even taking power to levy any fee from persons proposing to use public parks and gardens. It was unfortunate that a fee was being levied from every visitor to the Brindavan Gardens at Krishnaraja sagara. The result of the levy was that most of the poorer class people were denied the pleasure of visiting those gardens. It would be still more unfortunate if a fee was to be levied from persons resorting to even the ordinary parks or gardens. It was not by placing such restrictions that Government should think of protecting gardens. At that rate they could as well think of keeping every park or garden under lock and key.

Continuing, the speaker agreed with the Government that no park or garden should be thrown open to thousands of people for holding meetings, thereby preventing others from going there for fresh air. Mr. Sitharamaiya had already explained that in the absence of the Superintendent, any low-paid servant would function as the officer in charge of a given garden and if the Government went on taking action on the reports or complaints made by an ordinary peon, it would amount to placing large powers in irresponsible hands. Even the magistrates would be tempted to attach importance to the peon's complaint rather than to the statement of the accused. Everybody was agreed that public parks ought to be maintained properly and everybody appreciated the value of fine plants and sweet smelling flowers. It being so, the speaker failed to understand why Government feared that parks could not be taken proper care of without a law like this. If the Government wanted to keep the parks well, they must consult experts and think of the proper way of doing so. The method now proposed was like drying the fountain with a view to feed the stream. Because of the stringent nature of the penal clauses of the law under discussion, nobody would care to use the parks. Probably, it had been found that flowers and plants from public parks were being sold by some of the men on the spot and that was one of the reasons why the Government had brought up this bill. If that was so, it was a confession on the part of the Government that their employees were not true to their salt. It was up to the Government to punish those responsible for damaging the plants and flowers and if it was a fact that any body purchased flowers, etc., unauthorisedly removed from the parks, Government could certainly take action against such purchasers for receiving stolen property.

One of the provisions of the law to which the speaker would strongly object was clause (6), which placed too much power in the hands of the low-paid servants. Similarly, the bill did not define what "picnic" meant under this law and he feared that nobody would be free to resort to the parks if even the holding of a picnic was to be declared as a prohibited act.

Mr. S. P. RAJAGOPALACHARI said that the definitions were left for consideration in connection with the rules to be prescribed under this law when it passed through the Legislative Council. And he also assured the House that Government had no idea whatever of preventing meetings being held in public parks. For doing that, they had already enough power under the Police Act as well as the Criminal Procedure Code. The main and the only purpose of the law under discussion was

the protection of public gardens and parks.

Mr. K. T. BHASHYAM AIYANGAR replied that he did not doubt the statement of the Government and that was why he had said at the outset that he would not impute any motives to this legislation. But his main point was that though the heart of the Government with regard to this measure was good, the path which they had selected was wrong. Supposing a meeting was held in an open ground, somebody might come and say that that place was declared as a public park and that therefore the meeting should not be held there. That was why he did not like the bill in question. After all, no damage was being done to the beautiful parks in the two cities. People had sense enough to realize the value of gardens and parks. Government should not therefore think that in the absence of a special law for the protection of gardens, people would seriously interfere with or damage them. He would say that as between State subjects and public parks, the State should certainly attach greater value to its subjects than to its gardens. In this view, there would be no justification for the Government to place any unnecessary restrictions on the subjects in their anxiety to protect parks. The proposed law was sure to cause great hardship to the people. Such an apprehension would not probably have been entertained by members if the times had been normal, and if the cordial relationship between the Government and the public had not been disturbed as at present. And this was hardly the time for the Government to think of such special laws.

Mr. S. P. RAJAGOPALACHARI said that similar rules were in force in the Calcutta Gardens and he did not see any reason why anybody should entertain any kind of apprehension about them.

Mr. K. T. BHASHYAM AIYANGAR requested Government not to copy such laws from outside. After all, parks had not come into existence in Mysore only to-day. There were beautiful parks and gardens in existence even from the days of Tippu Sultan. And one of the features which had contributed to the reputation of Mysore was her famous gardens and parks. Mysore City itself was known as the Garden City of India, and the fact that such gardens had not been damaged by the public in the past showed that the generality of the public had realized the value of such gardens. There was no reason for the Government to think that in future parks or gardens might be damaged if the law as proposed was not enacted. For these reasons, he requested the Government not to proceed with this legislation.

At 5-5 p.m., the House rose for the day to meet again at 12 of the clock on Monday, 13th June 1938.

THIRD DAY.

Monday, 13th June 1938.

The House reassembled at the Jagan Mohan Palace Pavilion on Monday, 13th June 1938, at 12 of the clock, *Rajamantrapravina* S. P. Rajagopalachari, First Member of Council, in the Chair.

QUESTIONS AND ANSWERS—*contd.*

Reduction of Court Fees.

Q.—18. **Mr. A. G. MUDDARACHAPPA**, Bowringpet Municipality.—

Will the Government be pleased to state:—

(*a*) when the schedule of court fees was raised by the Government from Rs. 7½ to Rs. 10;

(*b*) the annual revenue realized since the enhancement of the above rate;

(*c*) the annual realizations when the rate was Rs. 7-8-0;

(*d*) the amount of stamp duty realized during the last 5 years (figures to be furnished yearwar);

(*e*) the difference in the realization of stamp revenue before and after the enhancement of the aforesaid rate?

GOVERNMENT BUSINESS - BILLS.

IV. General Principles of the Mysore Public Parks Bill. (Concld.)

Mr. S.C. HALLIAH said that the bill was not necessary for the present and so without wasting the time of the House in discussing the pros and cons of the measure, he would request the Government to take it back. After hearing the reply of the Government to his request, he would, if necessary, discuss the merits and ~~demi~~ demerits of the proposed legislation.

The FIRST MEMBER (Rajamantrapravina T.R. Rajagopalachari) observed that from the discussions which had taken place on the measure so far, it was evident that there was a misapprehension in the minds of the members that this measure had been brought up with the object of prohibiting meetings in the parks and for this reason, they were suggesting that the measure should be taken back. He would assure the members that that was not at all the object of the Government and would request them not to entertain any such fear. It was purely a measure intended to protect the plants and trees in the gardens by regulating and controlling the use of parks by people resorting to them. He however added that with a view to set at rest ~~the~~ any doubts in the minds of the members on this point, Government would be prepared to delete clause 4(2)(b) of the measure which ~~xxxxxxxxxxxxxxxxxxxx~~ prohibited the holding

of public meetings, demonstrations or picnic parties in the parks. With the deletion of this sub-clause, the law would be similar to that in other places and he hoped that the House would accept it.

MR. D. VENKATARAMANAPPA said that though he did not dispute the statement made by one of the members that the Lal Bagh was first laid out during the days of Tippu Sultan, yet he had no hesitation in saying that great credit was due to the Dewan for its present excellent condition. Every one rich and poor was enjoying its beauty. While he was prepared to support the Government in any action they proposed to take in order to protect the trees and plants and also the lawns and flower-beds there, he would request the President not to impose any restrictions on the people by levying fees from them etc. The rules in force at present were not only sufficient to protect the plants and trees in the gardens, but also to regulate and control meetings or picnics therein. As such the proposed measure was unnecessary especially as there was strong opposition to it in the House. He therefore urged Government to withdraw the measure as was suggested by Mr. S.C. Malliah.

Mr. G. MALLANNA also requested the Government to take back the measure as it aimed at arming the Government with unduly large powers.

Mr. L. VEMA REDDY said that the ~~existing law might continue for some time more and the~~

introduction of the proposed measure might be deferred for the present.

MR. K.T. BHASHYAM AIYANGAR said that even under sub-clause 4(2)(a) considerable hardship would be caused to the people for admission of people would be regulated and they would have to pay the prescribed fee. These restrictions also should be removed, for the House to accept the measure.

MR. S.P. RAJAGOPALACHARI observed that even under the existing rules, Government had similar powers and nothing new had been proposed in the measure under discussion.

MR. K.T. BHASHYAM AIYANGAR said that Government had not enforced such rules so far. If under the existing rules Government had the power to regulate admission of persons and also to levy fees, there was no necessity for them to have recourse to fresh legislation. But if such powers did not already exist, it was wrong to arm themselves with such wide powers as contemplated in the bill. The watchmen would have large powers under this measure and this was a matter which required to be seriousl considered by the House.

MR. S.P. RAJAGOPALACHARI said that the watchmen were expected to discharge their duties just as police constables in maintaining law and order and nothing more.

Mr. K.T. BHASHYAM AIYANGAR said that the Government would do well not to press the Bill

~~on the attention of the House~~ as even in its modified form, it was not acceptable to the House.

Rao Sahib M. RAMASWAMI said that beautiful lawns were being laid out, plants from various countries had been obtained at great cost and plenty of money was being spent on their maintenance. There was no doubt that all this was for the benefit of the public. So it was necessary that the public should co-operate with the Government in preserving these plants etc. For this purpose, whatever action Government proposed to take, would be acceptable to him. But there were provisions in the Bill which empowered the Government to declare any bit of land with a few plants thereon as a park and impose undue restrictions on the public. If such provisions were deleted and the measure was restricted to the extent of safeguarding the gardens, he would have no objection to support it.

MR. T.S. ALI KHAN said that members ought not to be afraid of the introduction of the proposed measure. Government were not aiming at making any profit out of this legislation. Nor would they prevent the holding of all meetings in the parks for its own sake. On the other hand it was intended to prevent any annoyance or discomfort that might be caused to the people resorting to gardens. If there was no law of this kind, there was a likelihood of petty quarrels taking place

in the gardens. For example meetings might be held there; or while some people were enjoying the radio, some others might bring some non-vegetarian food and have a picnic by their side and thus cause discomfort to them. To prevent such incidents, the Superintendent of the Gardens should be invested with certain powers. For these reasons, he requested the members not to reject the bill summarily.

As regards the statement made by Mr. Bhashyam Aiyangar that the watchman would be in a position to exercise large powers if this measure was passed, he said that, if it was so, the proper course for the House would be to request the Government to modify or, if necessary, even to delete such clauses of the bill with a view to curtail such powers, but not to throw ou the measure altogether.

MR. V. MADIAH said that for recreation of people, parks were necessary and every one witho any distinction must have free access to these places. During the Dasara and/Birthday Festivities many people from villages would be going to Mysore and they should have full freedom to see and enjoy the beauty of these parks. He feared that the introduction of the proposed measure would take away such freedom and prevent them from resorting to these beauty spots. For these reasons, he requested the Government to withdraw the measure.

MR. G. RAJAGOPALACHAR said that ordinarily the incidents referred to by Mr. T.S. Ali Khan

would not happen and even if they happened it was best to leave the matter to adjust itself by each party exercising a spirit of toleration. As such he did not find any need for the measure at present.

Replying on behalf of Government, Mr. S.R. RAJAGOPALACHARI assured the House that the Government had not proposed the measure with a view to cause any kind of trouble or inconvenience to the public making use of these gardens. On the other hand, it has been brought up as a result of the request made by the Superintendent, Government Gardens, and it was intended to maintain the parks in an efficient condition in the interests of the general public. As had already been stated by him, Government would delete sub clause 4(2)(b) . If even with that modification the House was not prepared to accept it and want it to be postponed, Government would have no objection to withdraw the bill for the time being and bring it up again in a modified form some time later.

The Bill was withdrawn by the Government.

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III. ಮೈಸೂರು ಸಂಸ್ಥಾನದ ವರ್ತಮಾನ ಪತ್ರಿಕೆಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಏರ್ಪಟ್ಟಿರುವ 1908ನೆಯ ಇಸವಿಯ ವರ್ತಮಾನ ಪತ್ರಿಕೆಗಳ ಕಾನೂನನ್ನು ರದ್ದುಪಡಿಸಬೇಕೆಂದು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯಲ್ಲಿಯೂ ಮತ್ತು ನ್ಯಾಯವಿಧಾಯಕ ಸಭೆಯಲ್ಲಿಯೂ ಅನೇಕಸಲ ಅರಿಕೆಯಾಗಿದೆ. ಈಗಿರುವ ಆಕ್ಟನ್ನು ರದ್ದುಮಾಡಬೇಕೆಂದೂ ಮತ್ತು ಆವಶ್ಯಕತೆಯಿದ್ದರೆ ಹೆಚ್ಚು ಕಡಿಮೆ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾ ಆಕ್ಟಿನ ಪ್ರಾದರಿಯನ್ನು ಅನುಸರಿಸಿ ಒಂದು ಆಕ್ಟನ್ನು ರಚಿಸಿ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಆಚರಣೆಗೆ ತರಬಹುದೆಂದೂ 1937ನೆಯ ಇಸವಿ ಅಕ್ಟೋಬರ್ ತಿಂಗಳಿನಲ್ಲಿ ನಡೆದ ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ದಸರಾ ಅಧಿವೇಶನದಲ್ಲಿ ಒಂದು ಅರಿಕೆಯು ಸೂಚಿತವಾಯಿತು. ಈಗಿರುವ ಆಕ್ಟನ್ನು ರದ್ದುಪಡಿಸಿ ಬ್ರಿಟಿಷ್ ಇಂಡಿಯಾದಲ್ಲಿರುವ ಕಾನೂನಿಗೆ ಸರಿಹೋಗುವಂತೆ ಸ್ವಲ್ಪ ಹೆಚ್ಚು ಕಡಮೆ ಅದೇರೀತಿಯಲ್ಲಿ ಒಂದು ಆಕ್ಟನ್ನು ರಚಿಸಿ ಜಾರಿಗೆ ತರುವುದಾಗಿ ಸರ್ಕಾರದವರು ಸಮ್ಮತಿಸಿದ್ದರು. ಅದಕ್ಕನುಗುಣವಾಗಿ ಒಂದು ಮಸೂದಾಕಾನೂನನ್ನು ರಚಿಸಲಾಗಿದೆ. ಆ ಮಸೂದಾ ಕಾನೂನಿನ ಮುಖ್ಯನಿಯಮಗಳು ಯಾವುವೆಂದರೆ :—

1. ಒಂದು ವರ್ತಮಾನ ಪ್ರತಿಕೆಯನ್ನು ಪ್ರಕಟಿಸುವುದಕ್ಕೆ ಮುಂಚಿತವಾಗಿ ಸರ್ಕಾರದವರ ಅನುಮತಿಯನ್ನು ಪಡೆದಿರಬೇಕು. ಈಗಲೂ ಇದೇ ನಿಯಮವು ಆಚರಣೆಯಲ್ಲಿದೆ.

2. ಪ್ರಮಾಣ ಪತ್ರಿಕೆಯನ್ನು ಯಾವ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರ ಮುಂದೆ ಕೊಡಲಾಗುವುದೋ, ಆ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರು ಮುದ್ರಣಯಂತ್ರವನ್ನು ಇಟ್ಟಿರುವವರಿಂದ ಅಥವಾ ವರ್ತಮಾನ ಪತ್ರಿಕೆಗಳನ್ನು ಪ್ರಕಟಿಸುವವರಿಂದ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಹೊಣೆ ಹಣದ ಠೇವಣಿಯನ್ನು (ಸೆಕ್ಯೂರಿಟಿಯನ್ನು) ಕೇಳಬಹುದು.

3. ಒಂದು ಮುದ್ರಣಾಲಯವನ್ನು, ಆಕ್ಷೇಪಣೀಯವಾದ ವಿಷಯವನ್ನು ಮುದ್ರಿಸುವುದಕ್ಕೆ ಅಥವಾ ಪ್ರಕಟಿಸುವುದಕ್ಕೆ ಉಪಯೋಗಿಸಿದರೆಂದು—ಎಂದರೆ, ಒಂದು ತಕ್ಸೀರನ್ನು ಮಾಡುವುದಕ್ಕೆ ಜನರನ್ನು ಪ್ರೇರಿಸಿ ಅಥವಾ ಸೈನಿಕರು ಕರ್ತವ್ಯ ವಿಮುಖರಾಗುವಂತೆ ಪುಸಲಾಯಿಸಿ ಅಥವಾ ಜನರನ್ನು ರಾಜದ್ರೋಹ ಮುಂತಾದ ಅಪರಾಧಗಳನ್ನು ಮಾಡುವಂತೆ ಪ್ರೇರಿಸಿ ಯಾವುದಾದರೂ ಸಂಗತಿಗಳನ್ನು ಮುದ್ರಿಸುವುದಕ್ಕೆ ಅಥವಾ ಪ್ರಕಟಿಸುವುದಕ್ಕೆ ಉಪಯೋಗಿಸಿದರೆಂದು—ತೋರಿಬಂದರೆ, ಆ ಮುದ್ರಣಾಲಯದವರು ಕೊಟ್ಟಿರುವ ಹಣದ ಠೇವಣಿಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಳ್ಳಲಾಗಿದೆಯೆಂದು ಸರ್ಕಾರದವರು ತೀರ್ಮಾನಮಾಡಬಹುದು ಅಥವಾ ಯಾವ ಠೇವಣಿಯೂ ಇಡಲ್ಪಟ್ಟಿಲ್ಲದಿರುವ ಅಂಥ ಮುದ್ರಣಾಲಯದ ವಿಷಯದಲ್ಲಾದರೆ ಅದರ ಮುದ್ರಣಯಂತ್ರವನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಳ್ಳಲಾಗಿದೆಯೆಂದು ತೀರ್ಮಾನಮಾಡಬಹುದು ; ಮತ್ತು ಮುದ್ರಣಯಂತ್ರ ಮತ್ತು ಪುಸ್ತಕಗಳನ್ನು ರಿಜಿಸ್ಟರು ಮಾಡುವುದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೊಡಲ್ಪಟ್ಟಿದ್ದ ಪ್ರಮಾಣ ಪತ್ರಿಕೆಯು ("ಡಿಕ್ಲರೇಷ್ನ್") ಅನಂತರ ರದ್ದುಮಾಡಲ್ಪಡುತ್ತದೆ.

4. ಹೊಣೆಯ ಹಣವನ್ನು (ಸೆಕ್ಯೂರಿಟಿ ಹಣವನ್ನು) ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಡಿರುವ ಸಂದರ್ಭದಲ್ಲಿ, ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಅಂಥ ಮುದ್ರಣಾಲಯದ ಅಥವಾ ವರ್ತಮಾನ ಪತ್ರಿಕೆಯ ವಿಷಯದಲ್ಲಿ ಒಂದು ಹೊಸ ಪ್ರಮಾಣ ಪತ್ರಿಕೆಯನ್ನು (ಡಿಕ್ಲರೇಷ್ನ್) ಕೊಡಬೇಕಾದರೆ, ಆತನು ಮೊದಲಿಗಿಂತ ಹೆಚ್ಚಿನ ಮೊಬಲಗನ್ನು ಠೇವಣಿಯಾಗಿಡಬೇಕಾಗಿರುತ್ತದೆ.

5. ಆಕ್ಷೇಪಣೀಯವಾದ ವಿಚಾರವನ್ನು ಮುದ್ರಿಸಲು ಅಥವಾ ಪ್ರಕಟಿಸಲು ಆ ಮುದ್ರಾಣಾಲಯವನ್ನು ಅಥವಾ ವರ್ತಮಾನ ಪತ್ರಿಕೆಯನ್ನು ಪುನಃ ಉಪಯೋಗಿಸಿದರೆ, ಸರ್ಕಾರದವರು ಆ ಹೆಚ್ಚಿನ ಠೇವಣಿ ಹಣವನ್ನೂ ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಳ್ಳಬಹುದು ; ಮತ್ತು ಹೊಸ ಪ್ರಮಾಣ ಪತ್ರಿಕೆಯೂ ಅನಂತರ ರದ್ದುಮಾಡಲ್ಪಡುತ್ತದೆ. ಆ ಬಳಿಕ ಸರ್ಕಾರದವರ ಅನುಮತಿಯಿಲ್ಲದೆ ಆ ವರ್ತಮಾನ ಪತ್ರಿಕೆಯ ವಿಚಾರದಲ್ಲಿ ಮತ್ತೆ ಹೊಸ ಪ್ರಮಾಣ ಪತ್ರಿಕೆಯನ್ನು (ಡಿಕ್ಲರೇಷ್ನ್) ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಅಂಗೀಕರಿಸತಕ್ಕುದಲ್ಲ.

6. ಠೇವಣಿಯಾಗಬೇಕೆಂದು ಹುಕುಂ ಮಾಡಲ್ಪಟ್ಟ ಹೊಣೆ ಮೊಬಲಗನ್ನು (ಸೆಕ್ಯೂರಿಟಿ ಹಣವನ್ನು) ಠೇವಣಿಯಾಗಿಡಲು ತಪ್ಪಿದರೆ ಹಾಗೆ ತಪ್ಪಿದವರೂ ಸಹ, ಮುದ್ರಣ ಯಂತ್ರ ಮತ್ತು ಪುಸ್ತಕಗಳನ್ನು ರಿಜಿಸ್ಟರು ಮಾಡುವ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಪ್ರಮಾಣ ಪತ್ರಿಕೆಯನ್ನು ಕೊಡಲು ತಪ್ಪಿದರೆ ಒಬ್ಬ ಮನುಷ್ಯನು ಯಾವ ದಂಡನೆಗೆ ಗುರಿಯಾಗುವನೋ ಅದೇ ವಿಧವಾದ ದಂಡನೆಗೇ ಗುರಿಯಾಗಬೇಕಾಗುತ್ತದೆ.

7. ಒಂದು ಮುದ್ರಣಾಲಯವನ್ನು ಅಥವಾ ಒಂದು ವರ್ತಮಾನ ಪತ್ರಿಕೆಯ ಪ್ರತಿಗಳನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಂಡಿರುವಂತೆ ಹುಕುಂ ಆಗಿರುವ ಸಂದರ್ಭದಲ್ಲಿ ಅವುಗಳನ್ನು ಹುಡುಕನೋಡಿ ಅವುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳುವಂತೆ ಒಬ್ಬ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರವರು ಪೋಲೀಸಿನವರಿಗೆ ಅಧಿಕಾರ ಕೊಡಬಹುದು.

8. ಅಧಿಕಾರವಿಲ್ಲದೆ ಪ್ರಕಟವಾದ ವರ್ತಮಾನದ ಹಾಳೆಗಳನ್ನು ಅಥವಾ ವರ್ತಮಾನಪತ್ರಿಕೆಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಬಹುದು ಅಥವಾ ನಾಶಪಡಿಸಬಹುದು.

9. ಅಧಿಕಾರವಿಲ್ಲದೆ ಅಕ್ರಮವಾದ ಯಾವುದಾದರೂ ವರ್ತಮಾನದ ಹಾಳೆಯನ್ನು ಅಥವಾ ವರ್ತಮಾನ ಪತ್ರಿಕೆಯನ್ನು ಮಾರಿದ ಅಥವಾ ಪ್ರಕಟಿಸಿದ ಸಂದರ್ಭದಲ್ಲಿ; ಅಥವಾ ಮಾರಾಟಕ್ಕಾಗಲಿ ಅಥವಾ ಪ್ರಕಟನೆಗಾಗಲಿ ಇಟ್ಟ ಪಕ್ಷದಲ್ಲಿ, ಆ ರೀತಿ ಮಾಡಿದವನು ದಂಡನೆಗೆ ಗುರಿಯಾಗತಕ್ಕುದೆಂದು ವಿಧಾಯಕಮಾಡಲಾಗಿದೆ.

10. ಯಾವುದಾದರೂ ವರ್ತಮಾನ ಪತ್ರಿಕೆಯು, ಪುಸ್ತಕವು ಅಥವಾ ಪತ್ರವು ಆಕ್ಷೇಪಣೀಯವಾದ ಸಂಗತಿಯನ್ನೊಳಗೊಂಡಿದೆಯೆಂದು ಸರ್ಕಾರದವರಿಗೆ ತೋರಿದರೆ, ಅದನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಳ್ಳಲಾಗಿದೆಯೆಂದು ಅಪ್ಪಣೆ ಮಾಡಬಹುದು.

11. ಒಂದು ಮುದ್ರಣ ಯಂತ್ರವನ್ನು ಇಟ್ಟಿರುವವರಿಂದ ಅಥವಾ ಪತ್ರಿಕೆಯನ್ನು ಪ್ರಕಟಿಸುವವರಿಂದ ಹೊಣೆ ಹಣವು (ಸೆಕ್ಯೂರಿಟಿ ಹಣವು) ಕೇಳಲ್ಪಟ್ಟು ಸರ್ಕಾರದ ಹುಕುಂ ಸಾದರಾಗಿರುವಾಗಲೇ ಆಗಲಿ, ಅಥವಾ ಮುದ್ರಣ ಯಂತ್ರವನ್ನು ಅಥವಾ ಅಂಥಾ ಮನುಷ್ಯರಿಂದ ತೀರ್ಪಣೆಯಾಗಿರುವ ಹೊಣೆ ಹಣವನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸೇರಿಸಿಕೊಂಡುದಾಗಿ ಸರ್ಕಾರದ ಹುಕುಂ ಸಾದರಾಗಿರುವಾಗಲೇ ಆಗಲಿ, ಆ ಹುಕುಂ ರದ್ದಾಗಬೇಕೆಂದು ಅವರು ಹೈ ಕೋರ್ಟಿಗೆ ಅರ್ಜಿಯನ್ನು ಬರೆದುಕೊಳ್ಳಲು ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.

ಮಸೂದಾ ಕಾನೂನನ್ನು ರಚಿಸುವಲ್ಲಿ, 1935ನೆಯ ಇಸವಿಯ ಕ್ರಿಮಿನಲ್ ಕಾನೂನನ್ನು ತಿದ್ದು ಪಾಟು ಮಾಡುವ ಆಕ್ಟಿನ ಮಾದರಿಯನ್ನೇ ಬಹುಮಟ್ಟಿಗೆ ಅನುಸರಿಸಿ ಅದನ್ನು ರಚಿಸಲಾಗಿದೆ. ಈಗ ಆಚರಣೆಯಲ್ಲಿರುವ ಆಕ್ಟಿನ ಮೇರೆಗೆ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಅಪರಾಧಿಗಳಿಗೆ ಗಡೀಪಾರು ಶಿಕ್ಷೆಯನ್ನು ವಿಧಾಯಕ ಮಾಡುವುದು ಉಂಟಷ್ಟೆ; ಈಗ ಅದನ್ನು ತಪ್ಪಿಸಿ ಅದಕ್ಕೆ ಬದಲಾಗಿ ಸಜಾ ಶಿಕ್ಷೆಯನ್ನು ವಿಧಿಸುವಂತೆ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ನಿಬಂಧನೆ ಮಾಡಲಾಗಿದೆ.

IV. ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿರುವ ಸಾರ್ವಜನಿಕ ಉದ್ಯಾನಗಳಿಗೆ (ಪಬ್ಲಿಕ್ ಪಾರ್ಕುಗಳಿಗೆ) ಸಂಬಂಧಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನಿನ ಸಾಮಾನ್ಯ ನಿಯಮಗಳ ವಿವರಣೆ.

ಮಹಾಜನರ ಉಪಯೋಗಕ್ಕಾಗಿ ಸರ್ಕಾರದವರು ದೊಡ್ಡ ದೊಡ್ಡ ಉದ್ಯಾನಗಳನ್ನೂ ಮತ್ತು ತೋಟಗಳನ್ನೂ ಕಾಪಾಡಿಕೊಂಡು ಬರುತ್ತಿದ್ದಾರೆ. ಇವುಗಳನ್ನು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ಉಪಯೋಗಿಸುತ್ತಿಲ್ಲವೆಂದೂ ಮತ್ತು ಅವುಗಳಲ್ಲಿ ಒದಗಿಸಿರುವ ನೀರಿನ ಕಜ್ಜೆ, ನೀರಿನ ತೊಟ್ಟಿ ಮುಂತಾದ ನೀರಿನ ಸಾಧನಗಳನ್ನು ಜನರು ಕೆಡಿಸುತ್ತಿದ್ದಾರೆಂದೂ, ದೂರುಗಳು ಬಂದಿವೆ. ಈ ಸಂಬಂಧದಲ್ಲಿ ಯಾವ ಕಾನೂನೂ ಆಗದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ, ಉದ್ಯಾನಗಳ (ಪಾರ್ಕುಗಳ) ಉಪಯೋಗವನ್ನು ಪಡೆಯುವ ಜನಗಳು ಸರಿಯಾದ ರೀತಿಯಲ್ಲಿ ನಡೆದುಕೊಳ್ಳುವಂತೆ ಕ್ರಮಗೊಳಿಸುವುದಕ್ಕೂ ಮತ್ತು ಹತೋಟಿಯಲ್ಲಡುವುದಕ್ಕೂ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ಆದುದರಿಂದ, ಉದ್ಯಾನಗಳಿಗೆ (ಪಾರ್ಕುಗಳಿಗೆ) ಜನರು ಬರುವ ವಿಷಯದಲ್ಲಿ ಅವರು ಯಾವ ನಿಯಮಗಳಿಗೆ ಒಳಪಟ್ಟಿರಬೇಕೆಂಬುದನ್ನು ವಿಧಿಸುವುದಕ್ಕೂ ಮತ್ತು ಉದ್ಯಾನಗಳನ್ನು ಸರಿಯೊಗಿ ಕಾಪಾಡಿಕೊಂಡು ಬರುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಮಾಡುವ ಸಂಭವವಿರತಕ್ಕ ಫಲಾನಾ ಕಾರ್ಯಗಳನ್ನು ಜನರು ನಡೆಯಿಸಕೂಡದೆಂದು ನಿರೋಧಗೊಳಿಸುವುದಕ್ಕೂ, ಸರ್ಕಾರದವರು ತಕ್ಕ ನಿಬಂಧನೆಗಳನ್ನು ರಚಿಸುವುದಕ್ಕೆ ಅಧಿಕಾರ ಕೊಟ್ಟು, ಒಂದು ಕಾನೂನನ್ನು ನಿರ್ಪಡಿಸಬೇಕೆಂದು ಉದ್ದೇಶಿಸಲಾಗಿದೆ. ಆ ನಿಬಂಧನೆಗಳನ್ನು ಯಾರಾದರೂ ಉಲ್ಲಂಘಿಸಿ ನಡೆದರೆ ಅಂಥವರಿಗೆ ನೂರು ರೂಪಾಯಿಗಳವರೆಗೂ ಜುಲ್ಮಾನೆ ಹಾಕಲು ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸಲಾಗಿದೆ.

ಬೆಂಗಳೂರು,
ತಾರೀಖು 28ನೆಯ ಮೇ 1938.

ಎ. ಸುಂದರರಾಜಾರಾವ್,
ಮೈಸೂರು ಪ್ರಜಾಪ್ರತಿನಿಧಿ ಸಭೆಯ ಸೆಕ್ರೆಟರಿ.

WD 2037—GPB—400—28-5-38

G.G.84-32-1

No. 1666/Encl.

OFFICE OF THE SUPERINTENDENT,
GOVT. GARDENS IN MYSORE,

LAL-BAGH, BANGALORE.

Dated 1-12- *193 7.*

2947 2 - DEC. 1937 GOVT. & REV. SECRETARIAT DEVELOPMENT BRANCH

FROM

DR. L. S. DORASAMI, M.Sc. (LOND.), PH.D. (LOND.),
Offg. *Superintendent, Government Gardens*
in Mysore, Bangalore.

1. DEC. 1937 CHIEF SECRETARY GOVT. OF MYSORE

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honour to submit herewith a copy of the printed rules of the garden duly revised. In the absence of proper legislation, it has not been possible to enforce the rules rigidly on the public when insisted upon by the garden watchman and any complaints made to the Police about the infringement of rules have so far proved ineffective. To quote an instance of the kind, a few years ago a complaint was made to the Police about the washing of the clothes in Lalbagh tank who filed a case against them in the City Magistrate's Court. The City Magistrate dismissed the case on the plea that the Superintendent, Government Gardens had no jurisdiction over the Lalbagh Tank to prohibit the washermen from washing clothes. Now that the Tank is in our possession, the public will not care rules unless the rules are approved by Government. In these circumstances, I request you to be so good as to obtain the approval of Government to the revised rules and direct the District Magistrate to issue a Notification in the Mysore Gazett fixing the penalty for persons found infringing the rules and also the Superintendent, Government Printing in Mysore, Bangalore, to supply 200 copies of the Notices for use by this Department.

I have the honour to be
Sir
Your most obedient servant,

L. S. Dorasami 30/11

30-11-37 Offg Superintendent
Government Gardens

30/11

Encl. Ltr. dt. 9.9.84-371

2

GOVERNMENT GARDENS.

N o t i c e .

1. The Garden is open to the public from 6 a.m. to 8 p.m. on all days.

2. The Lalbagh Office is open to the public from 11 a.m. to 5 p.m. on all days except Sundays and Gazetted Holidays.

3. For sale of seeds, the Seed Depot and Sale Room is open from 8 to 11 a.m. and 2 to 5 p.m. except Sundays and Gazetted Holidays.

4. Persons, insufficiently or indecently dressed or behave rudely on --- account of excessive drink, are not allowed into the Gardens.

5. It is strictly forbidden to remove flowers of any kind or to induce - malis to cut and sell them.

6. Visitors are requested not to walk on the grass plots in the ornamental parts of the Garden.

7. Visitors are requested not to shift garden seats. Writing or carving on seats, buildings and trees is prohibited.

8. Visitors are requested not to climb over the handrails round the cages and tease birds and animals.

9. Visitors are requested to keep their dogs on a lead and not to take - them inside the Aviary and near the Deer enclosure.

10. Athletic games and sports except under special arrangement, are not - allowed in the Gardens.

11. Picnic parties are requested to keep to the places set aside for this - purpose.

12. To build up fireplaces is not permitted and cooking of food or boiling of water must be done only in the permanent fireplaces put up in the picnic House.

13 Large picnic parties desiring the use of the Glass House(Albert Victor Hall) have to pay a fee of Rs. 3/- per day.

14 Washing of clothes etc in fountain basins and tank is forbidden.

15 Fishing or angling, Bathing and swimming, committing nuisance, removing silt, turf and sand in the tank are forbidden.

16 Horses should not be unharnessed and tethered on the grass.

17 Jutkas, bullock-carts and motor busses are not permitted into the - Gardens; they should be parked in the enclosure provided for this - purpose outside the Main Gate.

18 Cyclists are requested to keep to the carriage road and wheel their cycles to the stands if visiting the Terraces and the Restaurant, and the Bandstand. Cycling on footpaths is prohibited.

19 Motorists are not permitted to drive their Motor cars at high speed. The speed of Motor car is limited to ten miles per hour.

20 Learning to ride cycles or motor cycles and to drive motor cars and breaking in of horses are forbidden.

21 Public are not allowed to hold public demonstrations, distribute the notices of advertisements. // Any infringement of the above rules, are liable to a fine of Rs. 5/- and not exceeding Rs. 20/- (imposed by the - Superintendent, Government Gardens in Mysore.)

P.T.O.

22. The Lalbagh Glass house is rented out on application to the Superintendent, Government Gardens in Mysore, Lalbagh, --- Bangalore, for the purpose of holding Moonlight Dances and for presenting Addresses etc on payment of advance of ₹ 50/-towards Hire and ₹ 25/- per day for Electric lights and ₹ 20/-plus ₹ 10/ for functions arranged for charitable purposes. Necessary Polic arrangements should be made by the party to safeguard the --- Government property in the Garden.

23. Visitors are requested to use the latrines and Lavatories in - the Garden and not to commit nuisance in the Garden.

24. Air Guns, Catapults, should not be used in the Garden.

25. Visitors are prohibited from taking Photos in the Garden.

26. The sale of groundnuts, fruits etc is not permitted.

~~27~~. The above rules will also apply to other Government gardens - except items not pertaining to Lalbagh.

L. S. Venkatesh 30/11

Offg Superintendent
Government Gardens.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. D 5244

Bangalore, Dated, 24th January 1938.

25

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Superintendent,
Government Gardens in Mysore,
Bangalore.

Sir,

With reference to your letter No. 1666 dated 1st December 1937 submitting for approval, a set of rules governing admission into the Lalbagh, and requesting that the District Magistrate be instructed to notify the rules, etc., I am directed to enquire how the botanical gardens and other parks in British India are controlled, whether there are similar rules in force there, and if so under what law and by whom such rules are issued.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

/2.

5

Appendix F G—1]

SUBJECT .....

.....

.....

Section G.G.

File No. 84-37

Serial No. 2

Diary No. of letter replied to.....

No. D 5244

To

The Sub-Coll. G.G.

Sri,

General and Revenue Secretariat

( )

the *193* .

Date of issue 25-1-38

Signed by Mr K. Srinivasan

With refce. to your letter no. 1666. G 1.12.1937 — submitting for approval a set of rules governing admission into the Labbrary & and requesting that the Mr. Manager be instructed to notify the rules &c., I am directed to enquire how the Mohammedan and other parks in Pt. India are controlled, whether any similar rules in force there, if so under what Law & by whom such rules are issued and by whom they are enforced.

List of enclosures.....

Copied by .....

Examined by.....

WD 0521—GPB—30,000—12-3-37

Please 4
16
20/1 Issue

G. G. 84-37-3 4099 b

No. 2284. / Encl. one.

OFFICE OF THE SUPERINTENDENT,
GOVT. GARDENS IN MYSORE,

LAL-BAGH, BANGALORE.

Dated 28-1- 1938.

Kept with the enclosures of Thesday's Desk paper 1-4

Lyb 28-37

GEN. & REVENUE SECRETARIAT * DEVELOPMENT BRANCH *

FROM

DR. L. S. DORASAMI, M.Sc. (LOND.), PH.D. (LOND.),
Offg. *Superintendent, Government Gardens*
in Mysore, Bangalore.

SECRETARY 29 JAN GOVT. OF MYSORE

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

With reference to correspondence ending with your letter -- No.D 5244/GG 84-37 dated 24/25th instant enquiring how the Botanical Gardens and other Parks in British India are controlled, whether - there are similar rules in force there and if so under what law and by whom such rules are ~~far~~ issued, I have the honor to state that - it is seen from the copy of rules obtained from the various botanic gardens sucn as Agra, Ootacamund, Poona, Saharanpur etc, that the - rules have been passed by the local Government and any one found -- infringing them is reported against to the City Magistrate. I - herewith submit, for the information of Government, and return when - done with, a/copy printed of "The Bengal Park Act 1904" which deals fully about the protection of Public Parks and Gardens from injury and to secure the public from molestation and annoyance while resorting to such Parks and Gardens.

I have the honour to be

Sir

Your most obedient servant

L. S. Dorasami 28/1

Offg Superintendent

28/1

WD 355—GPB—1,500—7-9-37

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FROM

DR. L. S. DORASAMI,
M.Sc. (LOND.), PH.D. (LOND.),
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in Mysore, Bangalore.

To

Dated

Despatched

Received

General No.
No.

Enclosure No.